United Nations A/AC.265/2003/1

General Assembly

Distr.: General
7 April 2003

Original: English

Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities
New York, 16-27 June 2003

Issues and emerging trends related to the advancement of persons with disabilities

Report of the Secretary-General

Summary

The present report examines core issues and emerging trends in development approaches to the advancement of persons with disabilities in a broad human rights framework, and progress in furthering the goals of full participation and equality. A principal change noted is the shift in emphasis from biomedical and social welfare service approaches to persons with disabilities to the recognition of persons with disabilities as agents and beneficiaries of development of the societies in which they live. This was accompanied by the emergence of concern with environmental variables, viz. social, economic, institutional and policy factors, which can contribute to disability and thereby influence the participation of persons with disabilities in social and economic life, rather than the specific events, such as accidents, birth trauma, disease or genetic condition, or war that cause disability.

03-31192 (E) 130503

Contents

		Paragraphs	Page
I.	Reformulations of the concept of disability	1	3
	A. Development approaches to the advancement of persons with disabilities	2–3	3
	B. Accessible environments	4–8	4
	C. Reconsideration of vulnerability	9–10	5
	D. The new universe of disability	11–17	6
II.	Collection and analysis of data and statistics on persons with disabilities	18–22	8
III.	Advances in technologies	23–28	10
IV.	Next practices: building national capacities for the equalization of opportunities in the mainstream	29–32	12

I. Reformulations of the concept of disability

1. Prior to the adoption of the World Programme of Action, the general approach in policies and programmes was to associate disability with individuals. Action on disability was event-based, and activities mainly involved medical treatment, rehabilitation and social welfare services to enable the person with a disability to fit better into so-called normal societal structures. A related concern was prevention of specific causes of disability; little attention was directed to ways in which policies and institutions might create obstacles to full and effective participation of persons with disabilities as development agents and beneficiaries.[1] The goals of the World Programme of Action — full participation and equality — reflect recognition by the international community of the development approach to the advancement of persons with disabilities in a broad human rights context. The equalization of opportunities objective of the World Programme provides guidance for priority actions to translate the two Programme goals into specific outcomes. Development approaches to the advancement of persons with disabilities obtained added policy attention as a result of the statement by President Vicente Fox of Mexico at the general debate of the fifty-sixth session of the General Assembly. In his remarks President Fox called upon the international community to prioritize the fight against poverty and social exclusion. He observed that the world could not become more just if certain groups are excluded from this process, and stated that Mexico was proposing the establishment of a Special Committee to study the question of an international convention on promoting and protecting the rights and dignity of persons with disabilities.[2]

A. Development approaches to the advancement of persons with disabilities

2. Reformulated concepts of disability direct special attention to the importance of removing barriers and promoting accessible environments, so that people with a disability are better able to participate, on the basis of equality, in social life and development. Participants in a United Nations interregional expert meeting on sustainable livelihoods and persons with disabilities, hosted by the Government of the Republic of Indonesia at Jakarta (15-17 January 2002), identified three categories of environmental barriers to the promotion and realization of sustainable livelihoods by persons with disabilities: (a) adapting to a disabling condition and maximizing functional capacity, (b) interacting with the community and with society, and (c) gaining access to social and economic activities that give meaning and purpose to life. Addressing these barriers would involve support for rehabilitation strategies that maximize the functional (and social) capabilities of people with disabilities; formulation of inclusion and empowerment strategies to facilitate the full and effective participation of persons with disabilities in their communities, societies and economies; and promotion of architecture, engineering and design strategies that prevent or remove unnecessary barriers and handicapping conditions in the infrastructure, which includes the built environment, transportation systems, the workplace, and information technologies and communication systems.

3. Research studies suggest that there is no single formulation of the developmental approach to disability. Some studies tend to view persons with disabilities as a minority group, more because public attitudes make them the object

of prejudice and discrimination than because of the existence of physical barriers to their full and effective participation.[3] The minority-group model considers all facets of the environment to be influenced by public policy, since policies reflect societal attitudes. Existing features of the physical, social and economic environment that have a discriminatory impact on persons with disabilities cannot be viewed merely as happenstance or coincidence.[4] Action is required to address public attitudes that allow and reinforce prejudice and discrimination in society. Other studies argue that human rights approaches to disability are different from those that consider environmental factors.[5] The view is expressed that human rights approaches focus on the rights to which all people, whether disabled or non-disabled, are entitled. Human-rights approaches analyse how society marginalizes persons with disabilities, and how the social environment could be changed and become more inclusive.[6] The common theme in development approaches is the prevention of exclusion — or abandonment to institutional settings — and the promotion of inclusion, self-determination and full participation and equality.

B. Accessible environments

4. Accessibility was identified in General Assembly resolution 52/82, of 12 December 1997, as a priority in furthering the equalization of opportunities for persons with disabilities. The experience suggests that a focus on accessibility is an effective approach to reversing exclusion and to enhancing equalization of opportunities in a positive and sustainable way. The complexity of the issue requires that the concept of access must be addressed in a systematic way, if it is to add value to policy processes.

5. Access is not an act or a state but refers to freedom of choice in entering, approaching, communicating with or making use of a situation.[7] The environment is either the large whole of or parts of the situation that is being accessed. Equal participation would be available if equalization of opportunities to participate were provided through measures that enhance accessibility. The elements of accessibility are attributes of environmental availability but are not environmental characteristics. For instance, in the field of health care, Professors Pechansky and Thomas define access as "a concept representing the degree of 'fit' between the clients and the system."[8] Five characteristics of access to health care are identified: availability, accessibility, accommodation, affordability and acceptability.[9] Research in the field of rehabilitation of persons with a disability has identified five environmental characteristics:

(a) Accessibility — can you get to *where* you want to go?

(b) Accommodation — can you do *what* you want to do?

(c) Resource Availability — are your special *needs* met?

(d) Social Support — are you accepted by *those around you*?

(e) Equality — are you treated *equally* with others?[10]

6. Accessibility characteristics identified don't so much provide a basis for classifying or ranking environments as represent a scheme to classify the different ways in which people interact with environments. Accessibility is only one of the five characteristics of accessible environments identified.

7. Universal design also provides a basis for assessing accessibility with reference to interactions between people and the environment. Since the value proposition of universal design is the design of products and environments to be usable by all people, to the greatest extent possible,[11] universal dimensions of access should: (a) recognize the social context, (b) consider the situation of the whole person, (c) take age and cultural factors into account and (d) support analyses in terms of the individual and the environment. Building on the handicap classification developed by the World Health Organization,[12] an expert meeting organized by the United Nations in cooperation with York University (Toronto, 17-19 June 2002) considered several dimensions by which to assess access:

(a) Orientation (who) — do you have information you wish?

(b) Independence (what) — do you choose what you wish to do?

(c) Mobility (where) — do you go where you wish?

(d) Occupation of Time (when) — do you engage when you wish?

(e) Social Integration (with whom) — are you accepted by others?

(f) Economic Self-Sufficiency (with what) — do you have the resources you need?

(g) Transition (change) — are you prepared for change?[13]

8. One implication of environmental appraisals based on universal dimensions of interactions between people and their environments is that they allow review and assessment of accessibility variables and identification of options to reduce social exclusion and ensure the rights for all. Accessibility is not the concern of a specific social group but is an essential prerequisite for the advancement of all.

C. Reconsideration of vulnerability

9. There is a tendency for some outcome documents of international conferences and summits to include persons with a disability among the set of vulnerable population groups, as in the Plan of Implementation of the World Summit for Sustainable Development (Johannesburg, 26 August-4 September 2002).[14] This usage reflects the minority-group model of disability and the perception that limitation of physical, sensory, motor development abilities places people at risk. However, vulnerability is not a topic considered in the World Programme of Action. The data suggest that disability is a normal aspect of life; all kinds of disabilities can happen to all types of people at all stages in their normal lifecycles.[15] The task for analysis is to reconsider vulnerability as a policy variable that affects all.

10. The Commission for Social Development at its thirty-sixth session (New York, 10-20 February 1998) considered vulnerability in the context of strategies to promote social integration. The Commission noted that vulnerability affects all, since all are exposed to a variety of risks but that risks are not evenly distributed among the general population. The Commission also noted it was possible to identify three dimensions of vulnerability: (a) risk dimension, or the probability of information and communications technologiesimization; (b) state of mind dimension; and (c) impact dimensions. In its agreed conclusions the Commission noted that policies to address vulnerability, inter alia, need to be based on a proper

understanding of the risk of poverty and social exclusion; should aim to strengthen community-based networks and institutions of civil society; need to account for territorial aspects of vulnerability, as between rural and urban areas; and need to direct special attention to childhood education at all levels so that equal educational opportunities at levels for persons with disabilities can be ensured.[16] The Commission expressed the view that a major determinant of vulnerable population groups is the extent to which policies and programmes are inclusive, are supportive of communities and families and ensure equal opportunities to programmes and services for all. People with a disability are vulnerable if there is loss or limitation of opportunities to take part in the normal life of the community on an equal level owing to physical or social barriers.[17]

D. The new universe of disability

11. Both the World Programme of Action and the Standard Rules define persons with a disability with reference to terminology developed by the World Health Organization (WHO) in its International Classification of Impairments, Disabilities and Handicaps (ICIDH). WHO-ICIDH is based on the health experience; its aim is to describe the consequences of disease, injury or disorder at the level of specific body function (biomedical status), of the person (body structures and functions) or of society (impairment, disability and handicap).[18] WHO-ICIDH implies a causal link between impairment, disability and handicap unmediated by environmental factors, which do in fact influence the incidence of disability in society.[19]

12. In contrast to the health experience-based WHO-ICIDH some analysts have elaborated a life spheres approach to disability, which represents a shift in analytical focus from physical, sensory or development abilities to opportunities in society. As presented in the table below, the units of analysis are the person, family, society and the larger environment. The analysis introduces life cycle changes rather than the static analysis of WHO-ICIDH.

Evolution of handicap from ability focus to access to life situation

Handicap category	*Ability of individual definitions*	*Access to life situation*
Orientation	Receive and respond to surrounding signals	Exchange of information
Physical independence	Sustain existence without aids or assistance	Choice
Mobility	Move about effectively in surroundings	Travel
Occupation	Occupy time in a customary manner	Actual use of time
Social integration	Participate in customary social relationships	Actual relationships
Economic self-sufficiency	Sustain socio-economic activity	Economic resource control
Transition*		Preparation for life changes

Source for handicap categories and ability of individual definitions: World Health Organization, *International Classification of Impairments, Disabilities, and Handicaps: A Manual of Classification relating to the Consequences of Disease* (Geneva, World Health Organization, 1980).

**N.B.* "Transition" is not an original WHO-ICIDH handicap category.

13. The shift in analytical focus from individual abilities to life situation opportunities represents a shift in focus from a particular activity to the day-to-day results for an individual operating in his or her environment. The key issue is access by the individual to choice in decisions about their well-being and livelihoods without recourse to aid or assistance. In this sense, economic self-sufficiency is not viewed in terms of an individual's ability to earn income but in terms of the capacities of the individual to influence and control economic resources. Opportunity variables apply not solely to individuals. Disability policies and programmes on the families of persons with disabilities influence the range of choice that families have in terms of travel, use of time, social relationships and control of economic resources. Policies and programmes can be examined in terms of outcomes from the disability perspective and not with reference to specific population groups.

14. A second component of the new universe of disability relates to transition, particularly population ageing. This was discussed first in the third review and appraisal of the World Programme of Action (A/52/351) and analysed in the "Madrid International Plan of Action on Ageing", which noted that the proportion of the world's population of persons aged 60 and over is expected to double between 2000 to 2050 from 10 to 21 per cent; in developing countries the proportion of older persons is expected to increase from 8 to 19 per cent by 2050 (A/CONF.197/9, Resolution 1, annex II). Transition and preparation for life changes as a result of a

decline in some physical and sensory capacities is a recognized fact of ageing. However, this is not a sufficient basis for including older persons among the set of persons with disabilities. The policy issue is that as populations age, the percentage of the population that experiences some degree of impairment — but which is not disabled — will increase. An important planning issue is the formulation and budgeting of options to promote accessible environments and opportunities to acquire[20] assistive devices.

15. The third component of the new universe of disability relates to the need to address population groups that include persons with mental health issues and those with active, acute conditions.[21] For instance, the Special Rapporteur on Disability has directed special attention to the situation of persons with developmental and psychiatric disabilities in his second monitoring report (E/CN.5/2000/3 and Corr.1). He noted that they are often among the most marginalized in the societies in which they live; important tasks on behalf of this group include preparations for social integration, as well as improvements in living conditions for those who require institutional care.

16. Similar issues are encountered with regard to persons with active, acute conditions, for instance those who suffer HIV/AIDS. Fighting acute disease requires resources that might otherwise be available for implementing policies and programmes on disability. Many people who are surviving with AIDS and other acute diseases often need services required by people with traditional disabilities. In some countries, national disability policy or law protects persons with an active, acute condition. Countries that have yet to adopt policy guidance or legislation are presented with the urgent task of formulating appropriate policy options on protecting the rights and dignity of persons with acute, active conditions. However, including persons with active, acute conditions among the set of persons with disabilities highlights the link between disability and health status. Traditionally disability advocates have sought to decouple disability and health issues, urging that society reject the notion of people with disabilities as "sick". There is a growing body of evidence that suggests that persons with disabilities are at greater risk of acquiring what have been termed secondary conditions. Formulation of options for prevention of secondary conditions for persons with disabilities is an important goal of public policy and introduces the urgent need to reconsider the conceptual bases and terminology on disability.

17. One implication of the several dimensions of the new universe of disability is the need to reconsider — and update appropriately — the estimate that one person in ten in the population had a disability, contained in the World Programme of Action (A/37/351/Add.1 and Add.1/Corr.1, para. 37) and many other policy and programme documents to date.

II. Collection and analysis of data and statistics on persons with disabilities

18. As discussed in the preceding section the United Nations Statistics Division has made important contributions to implement recommendations of the World Programme of Action on monitoring and evaluation (A/37/351/Add.1 and Add.1/Corr.1, para. 198) as this relates to the development of disability statistics and the collection of data related to disability.[22] These activities have been guided at the

international level by the work of the World Health Organization on disability terminology, in particular the International Classification of Impairments, Disabilities and Handicaps (ICIDH)[23] and its recently adopted International Classification of Functioning, Disability and Health (ICF).[24] Results of the disability statistics work of the United Nations was published as the *Disability Statistics Compendium* of the United Nations (DISTAT),[25] with recent additions and improvements to the database being published on the Internet < http://unstats.un.org/unsd/disability/>.

19. However, 20 years after adoption of the World Programme of Action, it still is not possible to state with precision what percentage of the population is disabled. The reason is that there remains observed variation in the disability data collected by the United Nations, which is the result of different definitions, concepts and methods used in countries. Analysts cannot draw comparisons about the nature and extent of disability within or between countries or make social and economic comparisons between disabled and non-disabled populations. Following the WHO-ICIDH logic, the 1990 *Compendium* found countries collecting data on the basis of a disability-approach or an impairment-approach. Countries using impairment approaches would collect data on the blind, deaf or mute or both, and physical disabilities, while those collecting data on the basis of disability approaches would group data with reference to broad disability categories, such as mobility, agility, seeing, hearing, speaking, other (limited abilities due to learning, emotional, psychiatric or developmental delay).[26] Other countries included information on persons with mental disabilities as well as the sick — following the disease and event-based causal logic of WHO-ICIDH. Differences in the screening used to obtain disability data have contributed to significant biases in estimates of disability as a proportion of the total population, in gender studies, in comparisons of social and economic characteristics, and in economic activity.[27] Inadequacies in disability data, whether stemming from definitional problems or from collection and measurement problems, hamper efforts to place disability issues on mainstream policy agendas at all institutional levels. Disability issues receive limited support because disability experts and advocates are forced by inadequate or non-existent data to participate in policy debates in which they are unable to describe accurately the conditions differentiating disabled from non-disabled populations.[28] Accurate data are indispensable to the development of informed disability policies and strategies capable of increasing social and economic opportunities for people with disabilities.

20. International efforts are under way to address pressing problems in disability data collection, viz. lack of agreed disability definitions and lack of uniform disability data collection protocols. For instance, in connection with preparations for the year 2000 round of population and housing censuses, the United Nations prepared revised census recommendations[29] that for the first time recommended coverage of the topic of disability in national censuses and surveys. To measure the disability dimension the United Nations recommended that a person with disability should be defined as a person who is limited in the kind or amount of activities that he or she can undertake because of ongoing difficulties that are due to a long-term physical condition, mental condition or health problem; only disabilities lasting more than six months should be included.[30] Owing to the limited space available in a census, the United Nations further recommended that a disability-oriented question could be asked (as opposed to an impairment or handicap question).

21. Most discussions on further development of disability statistics focus on definitions derived from the impairment and disability variables of WHO-ICIDH. In contrast, the new universe of disability would suggest the need to consider measures of critical life areas for equalization of opportunities. These could include measures with regard to whether persons with disabilities are empowered to make decisions independently in their lives, have control over their use of time, have control over economic resources and are prepared for major changes. Results in these areas often determine whether outcome targets for equalization of opportunities will be achieved. Because each individual's situation is unique and influenced by many factors, such as age, culture or location, it is important to understand the particular factors affecting each disabled person in his or her environment. If the interactive nature of the concept is not assessed, then an understanding of the critical aspects of barriers to reducing disadvantage may be lost.

22. Definitions related to handicap are an emerging area of methodological concern, since they may be confused with the target areas for equal participation of the Standard Rules. Some analysts have argued that there are two basic approaches to the evaluation of handicap: (a) estimation of the gap between persons with and without disabilities, and (b) estimation of specific reductions in life roles.[31] As discussed in the preceding section, environmental variables can influence both of these dimensions — and enhance or block achievement of the goals of the World Programme of Action — so all dimensions need to be considered when measuring progress and obstacles in the advancement of persons with disabilities. Life sphere dimensions, measured properly — not as individual abilities but as the actual circumstances in which people find themselves and which may place them at a disadvantage — can provide critical measures for the design of policies and programmes that target specific life areas that will have the greatest impact on equalization of opportunities.

III. Advances in technologies

23. Progress reports of the Secretary-General on implementation of the World Programme of Action submitted to the fifty-fourth (A/54/388 and Add.1) and fifty-sixth (A/56/169 and Corr.1) sessions of the General Assembly drew special attention to the role of technological advances and the promotion of accessible environments for all. The reports noted the policy guidance provided by rule 5 of the Standard Rules on accessibility in both the physical environment and information and communication technologies. The reports also presented a value proposition for promotion of accessible environments, viz. best total solutions for action on environmental accessibility by, for and with persons with disabilities (A/54/388/Add.1, para. 2).

24. Environmental accessibility affects all. Its emergence as a major concern reflects the shift in emphasis from medical models of disability, and their emphasis on care, protection and assisting persons with disabilities to adapt to "normal" social structures, to social and development models, with their focus on empowerment, participation and modifications of environments to promote equalization of opportunities for all. Technological advances in the physical environment are reflected in the expanded range of materials that promote accessibility for all in terms of ease of use, durability and ergometric design. Equally important contributions were made by countries that published on the Internet guidelines for

the planning and design of accessible environments in order to promote public awareness and train national personnel; this included Lebanon (for Beirut) http://www.un.org/esa/socdev/enable/designm/, Malta http://www.knpd.org/sxsguidelines/xsgl.htm and Peru http://www.un.org/esa/socdev/enable/guiadd/.[32]

25. The rapid pace of development in information and communications technologies has significant social and economic implications for countries; it can also influence the participation of persons with disabilities in social life and development on the basis of equality. The role of information and communications technologies in the context of the development of a knowledge-based global economy in the twenty-first century was the topic of the high-level segment of the substantive session of 2000 of the Economic and Social Council, which adopted a ministerial declaration on the role of information technology and development.[33] The Declaration noted that bridging the digital divide, creating opportunities to access information, and developing knowledge-based economies is largely determined, inter alia, by education, national capacities to generate and use knowledge, information connectivity and content, and policy and legal/regulatory frameworks. The Declaration makes several references to the "digital divide" and the importance of access to such technology to achieve social and economic goals, but it makes no reference to the situation of persons with disabilities nor does it provide normative or substantive guidance on policy options to promote accessible information and communications technologies for all.

26. Recent national experiences suggest two points are important in the design of disability-sensitive policy options related to accessible information and communications technologies: first, access to such technologies is not the same as accessible information and communications technologies for all; second, the term "digital divide" refers to the continuum of digital connection capabilities in countries and not to a particular state prevailing among countries. Access to information and communications technologies mainly concerns hardware and telecommunications infrastructure, while accessibility refers to the design parameters and capacities of such technologies to accommodate the needs, preferences and special abilities of each user. Accessibility is concerned with the environmental setting for information and communications technologies, which includes the policy and legal frameworks, relative level of development, institutional arrangements and national capacities to plan and manage such technologies and to produce content, and the state of information and communications technologies infrastructure and associated technologies.

27. Accessibility is a priority concern identified by the first session of the Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities (New York, 29 July to 9 August 2002), established pursuant to General Assembly resolution 56/168. In the resolution submitted by the Ad Hoc Committee for adoption by the fifty-seventh session of the General Assembly on its future work, the Committee directs special attention to the role of accessible information and communications technologies and "strongly recommends the Secretary-General to implement some measures ... to facilitate accessibility to United Nations premises, technology and documents". The Committee invited, "among others, persons with disabilities and experts, to present proposals."[34]

28. In his progress report to the fifty-sixth session of the General Assembly, the Secretary-General cited advances in medical research as an emerging issue to be considered in his fourth review and appraisal of the World Programme of Action. Advances in medical research, genetics and biotechnology, in particular, have important implications for disability, privacy, ethics and human rights. Progress in genetic research, beginning with the description of the structure of DNA (deoxyribonucleic acid) nearly 50 years ago and recent developments in the Human Genome Project[35] has resulted in improved understanding of the genetic bases of many diseases. This new genetic knowledge has many applications in health care, ranging from testing and early detection of susceptibility to diseases, evaluating drug responses, to possible cures to diseases (gene therapy). Some are of the view that the benefits of genetic knowledge, coupled with reduced costs for genetic screening and testing, have been exaggerated and present social and ethical challenges. Inclusion International, a non-governmental organization advocating on behalf of people with intellectual disabilities, has argued that genetic research can be beneficial but that it can also undermine human rights, especially for people with disabilities.[36] Advances in biotechnology, such as stem-cell therapy, reproductive cloning and chromosomal manipulation, are technologies of great potential, but they also raise complex ethical and biomedical issues, which can outpace current legislative and policy frameworks.[37] Some analysts have identified a set of principles that they believe ought to guide further work in the fields of genetic research and biomedicine: justice, non-discrimination, diversity, and autonomy with informed decisions. The principle of justice holds that every person has the right to develop according to his or her potential. The principle of non-discrimination holds that everyone has the right to respect for who he or she is and to live as an equal citizen. The principle of diversity promotes making the world available to all and not only to those defined by notions of perfection and normality. The principle of autonomy affirms that people have a right to be independent and to make their own decisions.[38]

IV. Next practices: building national capacities for the equalization of opportunities in the mainstream

29. Capacity-building for the equalization of opportunities obtains support from the United Nations system within a narrow range of sectoral concerns, mainly social welfare and services, functional rehabilitation and social protection. Capacity-building in the field of disability gained added attention as a result of findings presented in the first monitoring report of the Special Rapporteur on Disability (A/52/56, annex), who observed that he had found limited efforts during his first mandate (1994-1997) "to integrate disability measures into ... mainstream activities." He noted:

> "... There is a great risk that disability measures once again will be left out or marginalized in those development programmes launched in response to the [major] United Nations [conferences and summits] follow-up. ... It would, for instance, be extremely discouraging if programmes for poverty eradication were to be launched without measures to support persons with disabilities. To strengthen and integrate disability measures into the mainstream of technical cooperation, including UNDP [United Nations Development Programme], the World Bank and other financial institutions, is one of the most urgent measures

of all in the future implementation of the Standard Rules." (A/52/56, annex, para. 135).

30. Efforts to address capacity-building for equalization of opportunities have mainly proceeded with the support of special funds, such as United Nations Voluntary Fund on Disability, whose exiguous resources have been augmented on a project-specific basis by the intergovernmental Arab Gulf Programme for United Nations Development Organizations (AGFUND).[39] This was discussed in the report of the Secretary-General to the fifty-fourth session of the General Assembly on the implementation of the World Programme of Action (A/54/388/Add.1), in which he described support to catalytic and innovative action to implement the capacity-building guidance contained in General Assembly resolution 52/82 (para. 8) as a mainstream issue and implications for the equalization of opportunities in the priority areas of accessibility, social services and safety nets, and employment and sustainable livelihoods. The report noted that the capacity-building strategy was characterized by (a) its focus on constituency-driven initiatives, in cooperation with Governments, that address a particular disability issue in a catalytic and innovative way; (b) its cooperation with project agents to formulate and implement time-bound, operational proposals for action in line with priorities identified to further equalize opportunities; and (c) its documentation of lessons learned (and obstacles encountered) for study by other interested parties, and their publication on the global Internet to facilitate access by all. The report identified three lessons of Voluntary Fund support for disability-sensitive capacity-building in the mainstream: (a) the essential role of concise, strategic policy guidance by Governments on priorities and means of execution for national capacity-building, (b) the critical contribution of partnerships at all levels to facilitate consultation, coordination and execution, and (c) the need for rapid and appropriate responses in terms of technical and financial assistance, on a small-scale, to facilitate quick disbursement as venture grants.[40] The experience of the Voluntary Fund suggests that disability-sensitive policies provide an essential enabling framework for sustainable development for all. Mainstream investments in building national capacities and institutions of civil society for the equalization of opportunities and for environmental accessibility form part of what might be characterized "next practices" in technical cooperation by the United Nations system, which are central to achieving the aim, identified in General Assembly resolution 48/99, of 20 December 1993, of achieving a "society for all" by 2010.

31. Policy guidance on technical cooperation activities and persons with disabilities is provided by the *World Programme of Action concerning Disabled Persons*. Technical cooperation is one of the international activities identified in the *World Programme* to further its goals of the full participation of persons with disabilities in social life and development and equality.[41] Technical and economic cooperation are also among the set of implementation measures presented in the Standard Rules, viz. Rule 21 (Technical and economic cooperation).[42] The initiative of Mexico at the fifty-sixth session of the General Assembly concerning a comprehensive and integral convention on the rights of persons with disabilities in the context of development provides added emphasis to the policy basis for capacity-building for the equalization of opportunities as a mainstream development cooperation issue, for instance in both triennial policy reviews of operational activities for development considered by the General Assembly[43] and the programming guidelines of United Nations funds and programmes. Persons with

disabilities are not currently a topic elaborated in the procedures for formulating the United Nations Development Assistance Framework (UNDAF) or the common country assessment (CCA), which necessarily affects resource allocations to build national capacities for the equalization of opportunities.

32. Technical cooperation activities are components of larger development efforts designed and implemented by Governments in accordance with national policies and priorities. Technical cooperation produces, by definition, an intermediate product whose aims include strengthened and improved national capacities and institutions for self-reliant development. The test of a technical cooperation activity is the extent to which there is effective and sustained follow-up, as well as replication to other areas, sectors and constituencies on the basis of equality. Reinforcing the disability perspective in mainstream technical cooperation will require action at several levels: policy-level decisions on the part of Governments; procedural decisions on harmonization and simplification by concerned members of the United Nations system; and the provision of opportunities for full and effective participation by persons with disabilities as development agents and beneficiaries. A strategic framework to reinforce the disability perspective in mainstream technical cooperation activities would include the following considerations:

(a) *Policy aspects*. Objectives identified to further the disability dimension in technical cooperation must be linked clearly with national development objectives and priorities, including the outcomes of major United Nations conferences and summits. Objectives formulated with specific reference to persons with disabilities should be presented as integral and not as an adjunct to overall development concerns and purposes. The objective statement should address the question of the resource implications of objectives targeted to a specific social group, as opposed to the benefits of mainstream approaches. Since sustainable technical cooperation follow-up and replication require an unambiguous commitment on the part of Governments, the objective statement must be consistent and supportive of mainstream national development policies and priorities;

(b) *Participation*. Full participation and equality are the goals adopted by the international community for the World Programme of Action concerning Disabled Persons. Participation of persons with disabilities in decisions that affect their livelihoods and well-being is an integral part of a broad human rights framework for development. Participation in this sense pertains to involvement in developmental decision-making, contributing to developmental efforts and equal sharing in the results of development. Major United Nations conferences and summits have addressed the situation of persons with disabilities with reference to a range of substantive concerns and not solely as issues specifically related to disability. As a result of the initiative of Mexico at the fifty-sixth session of the General Assembly concerning a comprehensive and integral convention on the rights of persons with disabilities the human rights of persons with disabilities is now recognized as an essential prerequisite for advancing the rights of all;

(c) *Institutions*. Successful technical cooperation requires effective multi-level institutional mechanisms to plan, organize and deliver technical cooperation inputs and to receive these inputs and put them to use by, for and with the intended beneficiaries. Since technical cooperation often involves the introduction of new concepts, methods, technologies and procedures to an existing development setting, it is important that local organizations, including organizations of persons with

disabilities, be involved in all aspects of planning, design and implementation of technical cooperation activities and their follow-up. Such involvement builds stakeholders and serves to ensure that technical cooperation activities are consistent with local needs, socio-cultural conditions, and technical, managerial and financial capacities prevailing;

(d) *Resources*. While the local level can make important resource contributions to technical cooperation activities, it should be recognized that the majority of persons with disabilities in developing countries and countries with economies in transition are poor and reside mainly in rural areas. Since many persons with disabilities may have limited capacities to contribute either material or in kind resources to technical cooperation activities, technical cooperation policies and plans need to include explicit consideration of both the income and employment implications for intended beneficiaries and the apportionment of the costs involved in project implementation and follow-up;

(e) *Capacity-building*. For mainstream technical cooperation to contribute to enhanced participation, on the basis of equality, of persons with disabilities as development agents and beneficiaries, there is a need for systematic capacity-building and institutional development among (1) staff of the technical cooperation programmes and agencies concerned (planning and management level), (2) staff at the field (implementation) level, and (3) persons with disabilities (beneficiary level);

(f) *Monitoring and evaluation*. Monitoring and evaluation of operational activities for development is a major concern of the United Nations system, particularly as this pertains to the simplification and harmonization of procedures and to ensuring more effective and rapid dissemination of monitoring and evaluation findings to improve performance and strengthen national capacities.[44] One factor that may enhance monitoring and evaluation procedures would be the introduction of disability-sensitive decision points in an early revision of the United Nations Development Assistance Framework process. Reinforcing the disability dimension in mainstream technical cooperation would involve at least three issues in ex-post evaluations: (1) how were persons with disabilities involved in decisions on the planning, design and execution of mainstream technical cooperation activities; (2) what benefits have persons with disabilities achieved from technical cooperation; how were these distributed, and what were the costs associated with the activities and by whom were these borne; and what are the project outcomes from the disability perspective; (3) has there been project follow-up; and, if so, who was involved in this decision and has the project experience been generalized to a wider range of development constituencies, sectors or geographical areas.

Notes

[1] Rodrigo Jiménez Sandoval, *Eliminando Barreras, Construyendo Oportunidades* (Naciones Unidas, ILANUD, San José, Costa Rica, 1997).

[2] A/56/PV.44.

[3] See Hahn, Harlan, "The political implications of disability definitions and data", *Disability Policy Studies*, vol. 4, No. 2.

[4] Ibid.

[5] Rioux, Marcia H., "Disability: the place of judgement in a world of fact", *Journal of Intellectual*

Disability Research, vol. 41, No. 2).

[6] Oliver, Michael, "Changing the social relations of research production", *Disability, Handicap and Society*, vol. 7, No. 2.

[7] Brown, Scott Campbell, "Methodological paradigms that shape disability research", in Gary L. Albrecht, Katharine D. Seelman and Michael Bury, eds., *Handbook of Disability Studies* (Thousand Oaks, Sage Publications, 2001).

[8] Pechansky, R., and C. Thomas, "The concept of access: definition and relation to customer satisfaction", *Medical Care*, vol. 19, No. 2.

[9] Ibid.

[10] Whiteneck, Gale G., Patrick Fougeyrollas and Kenneth A. Gerhart, "Elaborating the model of disablement", in Marcus J. Fuher, ed., *Assessing Medical Rehabilitation Practices: the Promise of Outcomes Research* (Baltimore, Paul H. Brookes Publishing, 1997).

[11] Ron Mace http://www.design.ncsu.edu/cud/univ_design/ud.htm.

[12] World Health Organization, *International Classification of Impairments, Disabilities and Handicaps* (Geneva, 1980).

[13] Report of a consultative expert meeting on critical issues and trends related to disability and human rights: emerging issues and concepts, York University, Toronto, 17-19 June 2002.

[14] Ibid., para. 46.

[15] Robert L. Metts, "Planning for disability"; paper presented at a panel discussion on independent living of persons with disabilities, United Nations, 3 December 1998.

[16] *Official Records of the Economic and Social Council, 1998, Supplement No. 6* (E/1998/26), chap. I, paras. 38-63.

[17] *Proceedings of the First World Conference of Disabled Peoples' International*, Singapore, 30 November-4 December 1981.

[18] United Nations *Guidelines and principles for the development of disability statistics* (2001).

[19] The ICIDH causal model also fails to capture the fact that handicap can lead to the creation of disability as well as impairment.

[20] "Acquire" follows the usage of Professor Amartya Sen in his analysis of entitlements and capabilities. Professor Sen has argued that "Ultimately, the process of economic development has to be concerned with what people can or cannot do, e.g. whether they can ... read, write and communicate, take part in literary and scientific pursuits." He continues, "A major failing of traditional ... economics has been its tendency to concentrate on supply of goods rather than on ownership and entitlement." Entitlement in this sense "refer to the set of alternative commodity bundles that a person can command in a society using the totality of rights and opportunities that he or she faces." On the basis of entitlement, "a person can acquire some capabilities, i.e., the ability to do this or that (e.g., be well nourished), and fail to acquire some other capabilities." See, Amartya Sen, "Development: which way now?", *The Economic Journal*, vol. 93 (1983). The focus of the developmental approach thus becomes expansion of entitlements for all.

[21] Seelman, Katherine D. "Change and challenge: the integration of the new paradigm of disability into research and practice, a vision for the 21st century: population, health care, technology and employment", paper presented to the National Council on Rehabilitation education conference (Vancouver, 8 March 1998).

[22] Notable work has been carried out by, inter alia, the ILO on employment statistics and indicators, UNESCO on educational statistics and indicators, WHO on health-related statistics and indicators, and UNICEF on statistics on the children and child survival; the regional commissions of the United Nations have major statistical programmes as well.

[23] ICIDH, op. cit.

[24] ICF, op. cit.

[25] *Statistics on Special Population Groups* (United Nations publication, Sales No. E.90.XVII.17).

[26] The United Nations Statistics Division also found that disability approaches lead to higher rates of disability in a population than do impairment approaches. A single question assessing functional limitations associated with a disability typically embraces behaviour associated with a broad range of impairment conditions. For instance, a question about "difficulty climbing stairs" may be due to several impairment conditions. In contrast, impairment approaches generally use more direct questions that relate to specific conditions; for instance, a question about "hearing loss" can determine whether loss is profound and affects one or both ears.

[27] The United Nations Statistics Division has drawn attention to the need to standardize methods of calculating disability rates; for instance, the crude disability rate of impairment should by definition include all disabled persons for the total population in the numerator, and the denominator should include the number of the total population; age-specific disability rates need to maintain standard and comparable age ranges for numerators and denominators.

[28] Metts, Robert L., "An overview of future research in disability and development, unpublished paper (2002).

[29] *Principles and Recommendations for Population and Housing Censuses, Revision 1* (United Nations publication, Sales No. E.98.XVII.8).

[30] Ibid., para. 2.262.

[31] Chamie, Mary. 1992, "A perspective for considering the classification of handicap", unpublished paper (1992); and Scott Campbell Brown, "Revitalizing 'handicap' for disability research", *Journal of Disability Studies*, vol. 4, No. 2.

[32] In connection with the Asian and Pacific Decade of Disabled Persons (1993-2002) goal of promoting accessible environments for all, the Economic and Social Commission for Asia and the Pacific (ESCAP) undertook, with financial and technical support of the Government of Japan (the Ministry of Construction, in particular) a regional project on the promotion of non-handicapping environments for disabled and elderly persons. ESCAP published guidelines (ST/ESCAP/1492) and case studies (ST/ESCAP/1510) of selected national experience in promoting non-handicapping physical environments. ESCAP organized training workshops at Beijing and New Delhi and field-tested trainer guidelines at Bangalore (India), Pattaya (Thailand) and Penang (Malaysia).

[33] Economic and Social Council document E/2000/L.9.

[34] A/57/357, para. 16.

[35] Human Genome Project Information (http://www.ornl.gov/hgmis/).

[36] International League of Societies for Persons with Mental Handicaps, *Just Technology? From principles to practice in bio-ethical issues* (Toronto, Roeher Institute, 1994).

[37] Kass, Leon R., *Life, Liberty and the Defense of Dignity* (San Francisco, Encounter Books, 2002).

[38] Avard, Denise, "New genetics", unpublished paper (2002).

[39] (http://www.agfund.org/).

[40] United Nations document A/54/388/Add.1, "Disability-sensitive development cooperation in the twenty-first century: partnerships and venture grants".

[41] United Nations document A/37/351/Add.1 and Add.1/Corr.1.

[42] General Assembly resolution 48/96 of 20 December 1993, annex, rule 21.

[43] General Assembly resolution 56/201 of 21 December 2001, "Triennial policy review of operational activities for development of the United Nations system", directs special attention to globalization, humanitarian assistance and gender, and to funding operational activities for development and simplification and harmonization of procedures.

[44] See E/2000/46/Add.1, paras. 128-132.

United Nations A/AC.265/2003/2

General Assembly

Distr.: General
7 April 2003

Original: English

Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities
New York, 16-27 June 2003

Overview of issues and trends related to the advancement of persons with disabilities

Report of the Secretary-General

Executive summary: towards progress in equalization of opportunities in the new century

The present report, which reviews and assesses 20 years of international cooperation related to the advancement of persons with disabilities in the context of development, should be read in conjunction with the report of the Secretary-General containing the findings of the fourth five-year review and appraisal of the World Programme of Action concerning Disabled Persons (A/58/61-E/2003/5). In his review, the Secretary-General discusses a strategic framework for the development and advancement of persons with disabilities, and presents recommendations on normative issues, policy options, and substantive planning and evaluation considerations for promoting the rights of persons with disabilities in the context of development.

The present report examines instruments and structures that have been developed to further implement the full participation and equality goals of the Programme of Action and to promote the Standard Rules on the Equalization of Opportunities for Persons with Disabilities. The report describes new initiatives related to persons with disabilities, particularly the proposal to elaborate a convention on the rights of persons with disabilities in the context of development, as endorsed by the General Assembly in its resolution 56/168. A basic lesson of the review is that a majority of reporting Governments have elaborated a national policy or legislation on persons with disabilities. An important task for policy development in the new century becomes reinforcing the disability perspective in mainstream development with reference to the "new universe of disability" and the emergence of policy concern with social inclusion, life sphere approaches to

03-31204 (E) 130503

disability and the promotion of opportunities, on the basis of equality, to participate in social life and development. The review suggests that policy development would be facilitated by progress in elaborating a comprehensive and integrated international instrument to promote and protect the rights of persons with disabilities in the context of development. Policy development and evaluation from the disability perspective would be further strengthened through improvements in data and statistics on disability, which would also facilitate international comparisons of prevalence of disability in populations and with reference to social and economic data sets.

Contents

		Paragraphs	*Page*
I.	Introduction	1	3
II.	Trends in policies and programmes from the disability perspective	2–29	3
	A. Disability perspective on development	3–7	3
	B. Developmental approaches to the advancement of persons with disabilities	8–11	5
	C. Rights of persons with disabilities: the Standard Rules	12–17	6
	D. Rights of persons with disabilities: treatment in other international instruments	18–20	7
	E. Measuring, monitoring and evaluation of the situation of persons with disabilities	21–24	9
	F. Regional cooperation	25	10
	G. Universal design and equalization of opportunities for all	26–28	10
	H. Priorities for the further equalization of opportunities	29	11

I. Introduction

1. In its resolution 56/115, the General Assembly endorsed the view that the fourth five-year review and appraisal of the World Programme of Action concerning Disabled Persons (A/37/351/Add.1 and Corr.1) should review and assess trends in instruments, policies and programmes from the disability perspective in the light of 20 years of international cooperation in the field of disability. The present report examines the extent to which structures are in place and identifies areas in which further action is required to further implement the goals of the Programme of Action — full participation, and equality — in the context of development. It examines trends in policies and programmes from the disability perspective. An additional report will review progress in furthering the equalization of opportunities by, for and with persons with disabilities with special reference to the priorities identified by the Assembly in its resolution 52/82, for action to equalize opportunities, i.e., accessibility, social services and safety nets, and employment and sustainable livelihoods. A further report will analyse issues and trends related to advancement of persons with disabilities in the context of development.

II. Trends in policies and programmes from the disability perspective

2. With the adoption of the Programme of Action by the General Assembly in 1982, the international community obtained a policy framework for developmental approaches to the advancement of persons with disabilities. The goals of the Programme of Action, "full participation and equality", reflect the strong commitment of the international community to the human rights of persons with disabilities. Trends in the implementation of the Programme of Action during the United Nations Decade of Disabled Persons (1983-1992) (see Assembly resolution 37/53) through the third review and appraisal of the Programme of Action, which was conducted in 1997, are reviewed below.

A. Disability perspective on development

3. The Programme of Action defines equality for persons with disabilities on par with opportunities available to the entire population. Parity is considered to be a dynamic concept, which changes as societies develop. The Programme of Action thus provides the basis for a "disability perspective" on development, in contrast with earlier approaches, in which persons with disabilities were characterized as "vulnerable" and disability as a problem to be addressed by medical care, rehabilitation and social welfare services. The value proposition of the social welfare approach is to effect changes in persons with disabilities so that they can better fit into "normal" social and economic structures. The disability perspective on development focuses on persons with disabilities as agents and beneficiaries of development of the societies in which they live. A key concern of developmental approaches to disability is promotion of environmental accessibility — in physical environments, in information and communication environments, and in institutional arrangements — to further equalization of opportunities for all.

4. The three objectives of the Programme of Action — prevention of disabling conditions, rehabilitation and equalization of opportunities — represent the attempt of the international community to blend traditional disability concerns with the emerging disability perspective on development. Equalization of opportunities is recognized as the process of enhancing accessibility to the general system of society. A key component of enhancing accessibility is promoting the full and effective participation of persons with disabilities in decision-making, which, as the Programme of Action notes, can be advanced by assisting in the establishment and development of organizations of disabled persons and by initiating direct contacts with those organizations and providing channels for them to influence governmental policies and decisions that concern them.

5. The Programme of Action represents movement towards both a broad human rights perspective and an environmental accessibility perspective. The Programme of Action recognizes the applicability of the Universal Declaration of Human Rights (Assembly resolution 217 A (III)) and the International Covenants on Human Rights (Assembly resolution 2200 A (XXI)) to persons with disabilities and provides guidance on promoting and protecting the rights of persons with disabilities.[1] While environmental approaches focus on physical, technical and institutional barriers, human rights approaches focus on rights to which all people, regardless of disability or non-disabled status, are entitled.[2]

6. The Programme of Action equates the equalization of opportunities with the promotion of accessibility in the environment in terms of facilities, communications and livelihoods. The first time access is mentioned in the Programme of Action is in conjunction with the definition of handicap, in the section entitled "Definitions", as follows: "Handicap is therefore a function of the relationship between disabled persons and their environment. It occurs when they encounter cultural, physical or social barriers, which prevent their access to the various systems of society that are av lable to other citizens. Thus, handicap is the loss or limitation of opportunities to take part in the community on an equal level with others."

7. Accessibility is central to the realization of equalization of opportunities and represents an approach to reversing exclusion; general systems of society become accessible to all by the removal of barriers and the promotion of human rights. Access is not an act or a state but freedom to enter, to approach, to communicate with, to pass to and from or to make use of a situation.[3] A review of the literature indicates that several approaches have been offered to assess systematically accessibility of environments in both the disability and health-care fields.[4] From the human rights perspective, ensuring accessible environments requires full and effective participation by persons with disabilities in both policy and programme-level decisions. It also requires the involvement of persons with disabilities in decision-making related to development, in contributing to development efforts a d in equal sharing of the results of development. Disability issues are not the concern of a specific group; they are an essential prerequisite for advancing the human rights of all people and the comprehensive and integrated development of the societies in which they live. That is the approach of the Programme of Action and it has been reaffirmed in the outcomes of major United Nations conferences and summits in the economic and social fields (see A/52/351, para. 18; and A/56/169 and Corr.1, paras. 24-26).

B. Developmental approaches to the advancement of persons with disabilities

8. The proclamation by the Assembly of the period 1983-1992 as the United Nations Decade of Disabled Persons provided a time frame in which to promote the implementation of the objectives of the Programme of Action, i.e., prevention, rehabilitation and equalization of opportunities. Those three objectives reflect a blend of traditional disability concerns with environmental variables in a broad human rights framework. The decided focus of the Programme of Action is on development participation and equality, with special attention to policy, institutional and structural issues.

9. The experience of the Decade suggests that lead time is required to translate international normative considerations into country-level strategies, policies and programmes. The evaluation report of the Secretary-General at the mid-point of the Decade (A/42/561)[5] submitted recommendations on three principal issue clusters: (a) policy options and priority areas for further action; (b) institutional arrangements and coordination mechanisms; and (c) resources to support the implementation of the objectives of the Programme of Action. Based on its consideration of the findings and recommendations of the report, the Assembly adopted resolution 42/58, in which it invited Member States (a) to reinforce national committees on disability, or similar institutional mechanisms; (b) to incorporate projects related to persons with disabilities in national development strategies and plans and to encourage real involvement of persons with disabilities; and (c) to accord high priority to projects on prevention, rehabilitation and equalization of opportunities in bilateral and multilateral assistance activities.

10. Developmental approaches to the advancement of persons with disabilities were evident by the mid-point of the Decade in both policies and practice. Disability issues were being introduced in efforts aimed at the general population, with emphasis on equalization of opportunities.[6] Disability and rehabilitation efforts were moving beyond traditional medical concerns and were being incorporated in institutional development and capacity-building activities.[7] Resource scarcity remained a problem but resources involved not only finances but national personnel and appropriate technologies (see A/42/561, para. 47 (c)). Organizations of persons with disabilities as well as organizations concerned with disability had become important factors in promoting the Programme of Action and contributing to its implementation at all levels. Common concepts, practical tools for data collection and statistics on persons with disabilities, based on national censuses and surveys, had become available and were being used to identify and assess demographic and socio-economic trends concerning the prevalence of disability.[8] The availability of statistics on persons with disabilities contributed to the recognition of the need to establish international standards on disability statistics, which would reveal both commonalities and differences in national statistical work, and elaborate an appropriate set of indicators to monitor implementation of the Programme of Action and allow comparisons between the different situations of persons with disabilities and the non-disabled.[9] The handicapping facets of the environment — in terms of communications, movement and loss of opportunities to participate in social and economic life — were increasingly recognized as being critical to the elimination of barriers to the equalization of opportunity.[10]

11. In his evaluation report on the achievements of the Decade (A/47/415), the Secretary-General noted that the Programme of Action had provided a policy framework for the advancement of persons with disabilities in the context of development in a broad human rights framework. The experiences of the Decade had laid the foundations for disability-sensitive strategies, policies and programmes based on the principles of full participation and equality. The report also noted that disability was closely linked to social and economic factors, which had impacted on progress in furthering the objectives of the Programme of Action. Its objectives could not be reached in the foreseeable future in the absence of an expansion of international cooperation programmes — both multilateral and bilateral — beyond those available during the Decade. The report also suggested a need to reinterpret disability in the light of a number of significant developments during the second half of the Decade, including rapid technological changes in both information, communications and medical science, growing recognition that disability was of concern to the entire population, and the need to move beyond group-specific approaches based on care and protection.

C. Rights of persons with disabilities: the Standard Rules

12. A particular — but not extensively documented — achievement of the Decade was the paradigmatic shift from the view that disability was a condition that required a cure, which had resulted in policies of exclusion and institutionalization. During the Decade, advocates had contributed to shaping a new understanding of living with a disability — which could affect anyone in the course of a "normal human life cycle"[11] — and the need for society to accept and accommodate that condition. Beginning with the adoption of the Programme of Action and its focus on the human rights of persons with disabilities, the emergence of concern with international norms and standards relating to disability carried with it the potential of law to transform an "almost universally pejorative"[12] cultural resistance to the equalization of opportunities for persons with disabilities.

13. The mid-Decade meeting of experts to evaluate its achievements recommended that the Assembly convene a special conference on the rights of persons with disabilities, with the mandate to elucidate such rights and to draft an international convention on the elimination of all forms of discrimination against disabled persons, to be ratified by States by the end of the Decade, in 1992 (see A/42/561, para. 14). Drafts of a convention were submitted to the Assembly at its forty-second and forty-fourth sessions, but summary records indicate that it was felt that more study was required (see A/C.3/42/SR.16, 17 and 19; and A/C.3/44/SR.16 and 20).

14. In response to that dialogue, the Assembly reiterated its view that the second half of the Decade should place special emphasis on the equalization of opportunities for persons with disabilities (see Assembly resolution 44/70, para. 2). In its resolution 1990/26, the Economic and Social Council authorized the Commission for Social Development to initiate work on the elaboration of non-binding standard rules on the equalization of opportunities for persons with disabilities. In its resolution 1991/9, the Council welcomed the initiative of the Commission to elaborate standard technical rules on the equalization of opportunities for disabled persons. The work, which was funded by voluntary resources and included technical meetings with the participation of experts from all regions, drew upon the experience of countries during the Decade and on both

general international human rights instruments and those related to the rights of persons with disabilities. Those efforts resulted in the decision of the Assembly to adopt in its resolution 48/96 the Standard Rules on the Equalization of Opportunities for Persons with Disabilities.

15. The value proposition of the Standard Rules, as stated in Assembly resolution 48/96, annex, paragraph 15, is "to ensure that girls, boys, women and men with disabilities, as members of their societies, may exercise the same rights and obligations as others". A basic premise of the Standard Rules is that States should "take appropriate action" to remove obstacles that prevent persons with disabilities from exercising their rights and freedoms and make it difficult for them to participate fully in the societies in which they live. The Standard Rules note that "Persons with disabilities and their organizations should play an active role as partners in this process".

16. Although the Standard Rules are not a legally binding instrument, they represent the strong moral and political commitment of Governments to take action to attain equalization of opportunities for persons with disabilities. They serve as an instrument for policy-making and as a basis for technical and economic cooperation. They incorporate the human rights perspective developed during the Decade and provide practical guidance on the equalization of opportunities in four areas: (a) preconditions for equal participation, (b) target areas for equal participation, (c) implementation measures, and (d) a monitoring mechanism.

17. The aim of the monitoring mechanism is to further effect the implementation of the Standard Rules, to assist States in assessing their respective levels of implementation of the Standard Rules, and to measure progress. The purpose of monitoring is to identify obstacles and suggest measures that would contribute to successful implementation of the Standard Rules. Monitoring would recognize the economic, social and cultural features existing in individual States. The Standard Rules further note that a special rapporteur with relevant and extensive experience in disability issues and international organizations should be appointed by the Secretary-General, if necessary, funded by extrabudgetary resources, for three years to monitor their implementation. The first Special Rapporteur on disability of the Commission for Social Development, Bengt Lindqvist (Sweden), was appointed by the Secretary-General in 1994, initially for a period of three years. The activities of the Special Rapporteur are discussed below.

D. Rights of persons with disabilities: treatment in other international instruments

18. In paragraph 175 (d), the Programme of Action called upon the United Nations system to assist efforts in meeting the needs of persons with disabilities. On 20 June 1983, the General Conference of the International Labour Organization (ILO) passed Convention No. 159, the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983, which came into force on 20 June 1985 and has been ratified by 68 ILO member States. The Convention aims to ensure that appropriate vocational rehabilitation measures are made available to all categories of disabled persons and promote employment opportunities for disabled persons in the labour market. It urges equality of opportunity and treatment of persons with disabilities of both genders and applies to all categories of persons with disabilities. Based on the

work of the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Salamanca statement and framework for action on special needs education, which was adopted by the World Conference on Special Needs Education: Access and Quality (Salamanca, Spain, 7-10 June 1994), proclaims that every child has a fundamental right to an education, that education systems must take into account diversity and that those with special needs must have access to regular schools with an inclusive orientation. The statement urges that Governments adopt inclusive education as a policy or law. The framework for action defines special educational needs as needs arising from disabilities or learning difficulties; the guiding principle is that schools should accommodate all children within a child-centred pedagogy.

19. The World Conference on Human Rights, held in Vienna from 14 to 25 June 1993, considered new frameworks for planning, dialogue and cooperation to enable holistic approaches to promoting human rights and involve actors at all levels — international, national and local. In its chapter entitled "Equality, dignity and tolerance" the Programme of Action adopted by the Conference recognizes that all human rights and fundamental freedoms are universal, and thus should unreservedly include people with disabilities. The Declaration adopted by the Conference states, in paragraph 22, that special attention needs to be paid to ensuring non-discrimination and the equal enjoyment of all human rights and fundamental freedoms by disabled persons, including their active participation in all aspects of society. The international community affirmed its view that any discrimination, intentional or unintentional, against persons with disabilities is per se a violation of basic human rights.

20. Development approaches to the advancement of persons with disabilities were also on the agenda of conferences and summits in the economic and social fields organized by the United Nations in the period following the Decade. In paragraphs 6.29-6.33, the Programme of Action of the International Conference on Population and Development considers the situation of persons with disabilities in a broad rights framework and, inter alia, urges Governments (a) to consider the needs of persons with disabilities in terms of ethical and human rights dimensions; (b) to develop infrastructure to address the needs of persons with disabilities with regard to education, training and rehabilitation; (c) to promote mechanisms to ensure the rights of persons with disabilities; and (d) to promote systems for the social and economic integration of persons with disabilities. The Copenhagen Declaration and Programme of Action of the World Summit on Social Development addresses the situation of persons with disabilities under each of the priority themes, i.e., the eradication of poverty, the expansion of productive employment and social integration. The Beijing Declaration and Platform for Action adopted at the Fourth World Conference on Women addresses the situation of women with disabilities in a broad rights context. In paragraph 32, the Declaration refers to the elimination of barriers to their advancement and participation in development. The chapter entitled "Strategic objectives and actions" of the Platform identifies actions for the advancement of women with disabilities with reference to education and training, health, the economy, human rights, and the girl child. The Istanbul Declaration on Human Settlements and the Habitat Agenda adopted at the United Nations Conference on Human Settlements (Habitat II), in its chapter entitled "Commitments", discusses the need to direct special attention to the needs and circumstances of persons with disabilities; commitment A, "Adequate shelter for

all" refers specifically to the need for accessible shelter and basic services and facilities, which are to be promoted in a manner fully consistent with human rights standards.[13]

E. Measuring, monitoring and evaluation of the situation of persons with disabilities

21. The reviews of policy instruments provided above indicate that disability issues have been recognized as an integral component of the international development agenda. Rights-based approaches have obtained policy commitments in major United Nations conferences and summits on social and economic issues of international concern. However, progress on measurement, monitoring and evaluation of the situation of persons with disabilities as a mainstream issue has been slow.[14] The observed tendency has been to assess conditions relating to disability in persons at the individual and population levels.

22. In paragraph 185, the Programme of Action urged United Nations Member States to develop a programme of research on the causes, types and incidence of impairment and disability, and the economic and social conditions of disabled persons, and in paragraph 198 requested the United Nations Statistics Division to cooperate with countries in the development of practical systems of data collection with regard to disabilities and publish technical manuals on the collection of such statistics. However, prior to the adoption of the Programme of Action, in 1982, the World Health Organization (WHO) concluded that as acute disease conditions were brought under control there was a need to classify what WHO believed were the consequences of disease. WHO issued in 1980 the *International Classification of Impairments, Disabilities and Handicaps* (ICIDH)[15] for trial purposes to facilitate health-service planning in disability-related fields. Some criticized ICIDH for placing undue emphasis on the medical model of disability; many disability rights advocates noted that the concept "handicap" recognized that social factors placed persons at a disadvantage along a variety of circumstantial dimensions. In recognition of the potential uses of ICIDH and taking into account the criticisms of its underlying model, particular classifications and language, such as the traditional use of the term "handicap" in English, resulted in active and engaged worldwide participation in ICIDH implementation and revision processes after its initial publication.

23. By the mid-point of the Decade, technical monographs had been prepared by the United Nations Secretariat on the development of statistics related to persons with disabilities, and a pilot database on disability statistics — DISTAT — based on national census, surveys and administrative reporting data from 55 countries, was under development.[16] The general conceptual framework of DISTAT was the United Nations framework for integration of social, demographic and related statistics;[17] ICIDH was used to organize DISTAT at the impairment and disability levels.[18] A definite focus in DISTAT is on the identification of standards for disability statistics and the establishment of a common framework for the further development of statistics on disability. The experience of DISTAT suggests that measures of socio-economic issues and persons with disabilities are the same as for non-disabled persons; and DISTAT data on educational attainment demonstrate the devastating handicapping effects of disablement among children in terms of loss of opportunity to attend school.[19] In 1996, the United Nations Statistics Division, in cooperation

with WHO, prepared the *Manual for the Development of Statistical Information for Disability Programmes and Policies*[20] to provide guidelines on production and use of data relevant to disability policies and programmes. In 1997, the Division provided recommendations for the year 2000 round of population and housing censuses on disability and measurement of the disability dimension in the *Principles and Recommendations for Population and Housing Censuses, Revision 1*.[21]

24. During that period, disability advocates raised concerns that efforts to measure disability had directed their emphasis to disability prevalence with a view to supporting prevention programmes. Some had argued that such a focus conflicted with a human rights perspective because disability was a subjective concept, while some measurement efforts attempted to view the concept in a rigid, objective manner. In recent years, others have argued that such efforts are required to assess the situation of persons with disabilities with reference to all persons. The United Nations Statistics Division and WHO have considered a variety of perspectives concerning data and statistics related to disability, and their activities have helped to build awareness and frame issues in the ongoing debate.

F. Regional cooperation

25. In connection with the observance of the end of the Decade, both the Economic and Social Commission for Asia and the Pacific (ESCAP) and the Economic and Social Commission for Western Asia (ESCWA) organized regional reviews and formulated long-term strategies for regional cooperation in the field of disability. In 1989, ESCWA organized a conference on the capabilities and needs of the disabled in the ESCWA region (Amman, 20-28 November 1989), which formulated a planning framework for regional action. At the end of the Decade, ESCWA organized, under the patronage of Queen Noor Al Hussein of Jordan, a cultural event for disabled persons (Amman, 17 and 18 October 1992), whose substantive plenary endorsed a long-term strategy towards the year 2010 to promote the rights of persons with disabilities in the western Asia region as well as a framework for proclamation of an Arab decade of persons with disabilities. Preparatory work on a long-term strategy to promote the rights of persons in Asia and the Pacific began at the Fourth Asian and Pacific Ministerial Conference on Social Welfare and Social Development (Manila, 7-11 October 1991), with the adoption of a social development strategy for the ESCAP region to the year 2000 and beyond (E/ESCAP/824). With the ultimate aim of improving the quality of life for all, the regional strategy provided an effective policy framework for the forty-eighth session of ESCAP. In its resolution 48/3, ESCAP proclaimed the period 1993-2002 as the Asian and Pacific Decade of Disabled Persons, with the goals of full participation and equality of persons with disabilities.

G. Universal design and equalization of opportunities for all

26. The third evaluation report of the Secretary-General on the implementation of the Programme of Action (A/52/351) examined a range of disability issues in the context of development, with reference to a broad human rights framework. The report documented progress in incorporating the disability perspective in the outcomes of major United Nations conferences and summits on social and economic issues of international concern. From a policy point of view, the report discussed the

concept of a disability perspective in rights-based approaches to development since that contributed to realization of a society for all (see General Assembly resolution 48/99). The report also introduced the concept of universal design and its application in planning and development of environments[22] that were responsive and supportive of the diverse needs of populations.

27. The value proposition of universal design is to meet the needs of as many users as possible through inclusive solutions and open and democratic participation, which are the basic concerns of the Programme of Action and the Standard Rules. The seven principles of universal design reflect a set of values to further full participation and equality rather than technical planning and design standards on accessibility: (1) equitable use — the design is useful and relevant to people with diverse abilities; (2) flexibility in use — the design accommodates a wide range of individual preferences and abilities; (3) simple and intuitive use — the design is easy to understand regardless of the knowledge, experience, language skills or concentration level of the user; (4) perceptive information — the design communicates information effectively to the user, regardless of ambient condition or sensory abilities of the user; (5) tolerance for error — the design minimizes the hazards and adverse consequences of unintended actions; (6) low physical effort — the design can be used easily, efficiently and comfortably, with a minimum of fatigue; and (7) size and space for approach and use — the size and space for approach, reach, manipulation and use is appropriate, regardless of the body size, posture or mobility of the user (see E/ESCWA/H5/2000/1).

28. Introduction of universal design considerations to the evaluation report responded to both an observed expansion of constituencies concerned with disability in the period since the Decade and the recognition that full and effective participation for all in the emerging global information economy required new thinking, accessible and inclusive approaches, and comprehensive development initiatives in a broad rights framework. By linking universal design considerations with the analysis of the political economy of disability, the report indicated that sustainable development required full and effective participation by all parties as agents and beneficiaries. The evaluation also recognized the link between environmental accessibility and the promotion and protection of human rights for all. The report noted that measures of whether persons with disabilities were empowered to take independent decisions in their lives, to exercise control over their use of time, to plan and decide on use of economic resources and to prepare for major life cycle changes represented the types of indicators that could predict whether desired outcomes were being achieved. It also noted that measures of environmental accessibility that affected the exercise of one's rights, such as independence, uses of time, social integration, economic self-sufficiency and life cycle transitions, required further study.

H. Priorities for the further equalization of opportunities

29. In its consideration of the third evaluation report of the Secretary-General (A/52/351), the Assembly identified, in its resolution 52/82, three priorities for action to further equalization of opportunities: (a) accessibility, (b) social services and safety nets, and (c) employment and sustainable livelihoods. It also urged bodies and organizations of the United Nations system to promote the rights of persons with disabilities.

Notes

[1] The Programme of Action, para. 164, states: "Specifically, organizations and bodies involved in the United Nations system responsible for the preparation and administration of international agreements, covenants and other instruments that might have a direct or indirect impact on disabled people should ensure that such instruments fully take into account the situation of persons who are disabled."

[2] See Marcia H. Rioux, "Disability: the place of judgment in a world of fact", *Journal of Intellectual Disability Research*, vol. 41, No. 2; Michael Oliver, "Changing the social relations of research production", *Disability, Handicap and Society*, vol. 7, No. 2; Jean-François Ravaud and Henri-Jacques Stiker, "Les modèles de l'inclusion et de l'exclusion à l'épreuve du handicap", *Handicap-Revue de Sciences Humaines et Sociales*, vol. 87; Jean-François Ravaud and Henri-Jacques Stiker, "Inclusion/exclusion: disability, politics and recognition", chapter 21 in Gary L. Albrecht, Katherine D. Seelman and Michael Bury, eds., *Handbook of Disability Studies* (Thousand Oaks, Sage Publications, 2001); Catherine Barral, "Typology of the forms of social exclusion", paper presented at an expert meeting on the theme "Critical issues and trends related to disability and human rights: emerging issues and concepts", Toronto, 17-19 June 2002.

[3] See Scott Campbell Brown, "Methodological paradigms that shape disability research", chapter 5 in Albrecht et al., op. cit.

[4] See R. Pechansky and C. Thomas, "The concept of access: definition and relation to customer satisfaction", *Medical Care*, vol. 19, No. 2; Rune J. Simeonsson, Donald B. Bailey Jr., Donna Scandlin, Gail S. Huntington and Marcia Roth, "Disability, health, secondary conditions and quality of life: emerging issues in public health", chapter 11 in Rune J. Simeonsson and Lauren N. McDevitt, eds., *Issues in Disability and Health: the Role of Secondary Conditions and Quality of Life* (Chapel Hill, North Carolina Office on Disability and Health, 1999); Gale G. Whiteneck, Patrick Fourgeyrollas and Kenneth A. Gilbert, "Elaborating the model of disablement", in Marcus J. Fuher, ed., *Assessing Medical Rehabilitation Practices: the Promise of Outcomes Research* (Baltimore, Paul H. Brookes, 1997).

[5] The report was based on the findings and recommendations of a global meeting of experts to review the implementation of the Programme of Action at the mid-point of the Decade, held in Stockholm from 17 to 22 August 1987 and generously supported by the Government of Sweden.

[6] At the policy level, the Nairobi Forward-looking Strategies for the Advancement of Women state that women constitute a significant number of people who are disabled. The Strategies also note that many factors account for rising numbers of disabled persons, including war, violence, poverty, hunger, and work-related accidents, and recommended that Governments adopt the Programme of Action (see A/CONF.116/28/Rev.1, chap. I, sect. A, para. 296).

[7] The mid-Decade report of the Secretary-General on the implementation of the Programme of Action (A/42/551) noted that bilateral cooperation in the field of disability in the period under review had included support for drinking water and sanitation, as well as for health services and nutrition surveillance. The report also described institutional development and leadership training activities in such areas as community-based rehabilitation, appropriate technologies, sports training and cooperative development, supported by the United Nations Voluntary Fund on Disability, which also included co-financing support to a UNDP-assisted project on training and research in rehabilitation in Mauritania.

[8] See *United Nations Disability Statistics Database, 1975-1986: Technical Manual* (United Nations publication, Sales No. E.88.XVII.12); *Elaboracion de estadisticas sobre los impedidos: estudios de casos*; (United Nations publication, Sales No. S.86.XVII.17). *The World's Women 1970-1990: Trends and Statistics* (United Nations publication, Sales No. E.90.XVII.3) discusses, briefly, the situation of women with disabilities, and notes that the care of persons with disabilities falls disproportionately on women.

[9] See *Development of Statistical Concepts and Methods on Disability for Household Surveys* (United Nations publication, Sales No. E.88.XVII.4); and *Disability Statistics Compendium* (United Nations publication, Sales No. E.90.XVII.17).

[10] The mid-Decade review (A/42/561) submitted recommendations, inter alia, on (a) recognition of sign language as a legitimate interpretation need in United Nations meetings, when required; (b) access to United Nations facilities and materials for persons with special needs; (c) national-level guidelines on the rights of persons with communications disabilities, and on education and training for socio-economic integration of persons with disabilities.

[11] See Robert I. Metts, "Planning for disability", paper presented to a United Nations panel on independent living of persons with disabilities, 3 December 1998.

[12] See James I. Charlton, *Nothing About Us Without Us: Disability Oppression and Empowerment* (Berkeley, University of California Press).

[13] Commitment B, "Sustainable human settlements" (paras. 42-43), addresses provision of equal opportunities for a healthy, safe and productive life for those who belong to vulnerable and disadvantaged groups. Commitment C, "Enablement and participation" (paras. 44-45), expresses commitments for capacity-building in human settlements planning and management, based on dialogue among actors, especially women and persons with disabilities, for promoting equal access to information, and for facilitating participation in management of public and community-based housing by women and those who belong to vulnerable and disadvantaged groups.

[14] The 12 key socio-economic indicators related to the major United Nations conferences and summits on social and economic issues of international concern — elaborated by the system-wide former Advisory Committee on Coordination Task Force on Basic Social Services for All — did not include any measure of incidence of disability in persons. The indicators are: total population, access to health services, contraceptive prevalence, underweight prevalence among preschool children (under 5), maternal mortality ratio, mortality rate for infants and under-5 populations, life expectancy at birth (female/male), school enrolment (female/male), adult literacy (female/male), access to safe water, access to sanitation, and floor area per person. See *Charting the Progress of Populations* (United Nations publication, Sales No. E.00.XIII.6).

[15] Geneva 1980.

[16] See ESA/STAT/AC.18/7; *Development of Statistical Concepts and Methods on Disability for Household Surveys* (United Nations publication, Sales No. E.88.XVII.4); *United Nations Disability Statistics Database, 1975-1986: Technical Manual* (United Nations publication, Sales No. E.88.XVII.12).

[17] See *Towards a System of Social and Demographic Statistics* (United Nations publication, Sales No. E.74.XVII.8).

[18] See *Disability Statistics Compendium* (United Nations publication, Sales No. E.90.XVII.17), chap. I.

[19] Ibid., chap. II.

[20] United Nations publication, Sales No. E.96.XVII.4.

[21] United Nations publication, Sales No. E.98.XVII.8, paras. 2.258-2.277.

[22] Environment is used here in a broad sense and, as noted above, refers to the policy and programme environments for equalization of opportunities, the social and economic environments to pursue equalization of opportunities, accessible built environments, and information and technologies environments that provide reasonable accommodation.

United Nations A/AC.265/2003/3

General Assembly

Distr.: General
7 April 2003

Original: English

Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities
New York, 16-27 June 2003

Progress in the equalization of opportunities by, for and with persons with disabilities

Report of the Secretary-General

Executive summary

General Assembly resolution 52/82 provided a concise set of priorities for action on developmental approaches to the advancement of persons with disabilities in a broad human rights framework. The present report reviews progress in three areas of action at the international, regional and national levels to further equalization of opportunities by, for and with persons with disabilities: (a) progress in international norms and standards from the disability perspective, (b) progress in improving data and statistics related to disability, and (c) progress in building national capacities and institutions from the disability perspective. It also considers regional initiatives to promote mainstream approaches to the equalization of opportunities.

03-31219 (E) 150503

Contents

		Paragraphs	Page
I.	Progress in international norms and standards from the disability perspective	1–12	3
	A. United Nations Millennium Declaration	1	3
	B. Outcomes of major United Nations conferences, summits and special sessions of the General Assembly	2–10	3
	C. Proposal to elaborate a comprehensive and integral convention to promote and protect the rights and dignity of persons with disabilities	11–12	5
II.	Activities of the Special Rapporteur on disability of the Commission for Social Development, 1994-2002	13–25	6
III.	Progress in data and statistics on disability	26–33	10
	A. Methodological work	27–28	10
	B. Measurement of disability	29–30	11
	C. Collection, dissemination and use of data on disability	31–33	12
IV.	Progress in building national capacities for the equalization of opportunities	34–36	13
V.	Regional cooperation for the equalization of opportunities	37–46	14
	A. Asian and Pacific Decade of Disabled Persons (1993-2002)	37–39	14
	B. African Decade of Disabled Persons (2000-2009)	40–44	15
	C. Arab Decade of Disabled Persons	45	17
	D. Latin America and the Caribbean	46	18

I. Progress in international norms and standards from the disability perspective

A. United Nations Millennium Declaration

1. The Millennium Assembly of the United Nations, which was held from 6 to 8 September 2000, in the Millennium Report of the Secretary-General, entitled "We the peoples: the role of the United Nations in the twenty-first century" (A/54/2000), considered fundamental issues, trends and values deemed essential to international relations in the twenty-first century. The United Nations Millennium Declaration (General Assembly resolution 55/2) identified priorities for translating shared values into practical action. The eight Millennium Development Goals identified in the Declaration comprise a set of time-bound and measurable targets, ranging from halving extreme poverty and halting the spread of HIV/AIDS to providing universal primary education by 2015. From a disability perspective, the Millennium Report and Declaration provide important guidance for policy formulation, evaluation and planning priorities, although neither document makes specific reference to the advancement of persons with disabilities, either in the context of development or as an issue of social welfare and services.

B. Outcomes of major United Nations conferences, summits and special sessions of the General Assembly

2. Following the Millennium Assembly, the United Nations held two special sessions of the General Assembly, on HIV/AIDS and on children, respectively, and has organized five conferences on international development, human security and human rights. Although only some of the outcome documents address specifically the situation of persons with disabilities, the outcome documents provide critical policy inputs to development approaches to the advancement of persons with disabilities.

1. Special sessions of the General Assembly

3. At its twenty-sixth special session (New York, 25-27 June 2001), the General Assembly considered the global HIV/AIDS pandemic and adopted the Declaration of Commitment on HIV/AIDS (resolution S/26-2, annex). The outcome document does not specifically address persons with disabilities, although persons infected by HIV/AIDS are covered by disability legislation in several countries. The Declaration of Commitment provides guidance on a number of critical policy issues and outlines action on several programme issues of concern to all: leadership to address the HIV/AIDS pandemic; prevention, care and treatment; human rights; social and economic aspects; and research and development.

4. At its twenty-seventh special session (New York, 8-10 May 2002), the General Assembly considered progress made for the benefit of children in the decade since the 1990 World Summit for Children and the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for its implementation in the 1990s (see A/45/625, annex). The outcome document adopted at the special session, entitled "A world fit for children" (resolution S-27/2, annex) contains a Declaration and a Plan of Action, which aim to strengthen international

cooperation to promote the rights of children in the twenty-first century. The Declaration acknowledges the international legal standards for the protection and well-being of children contained in the Convention on the Rights of the Child (resolution 44/25, annex) and its optional protocols (resolution 54/263, annexes I and II) and sets forth 10 principles for making a world fit for children, which, if implemented, would contribute to advancement of children with disabilities in the mainstream. The Plan of Action addresses the situation of children with disabilities as this relates to their full and equal enjoyment of human rights and fundamental freedoms (para. 21), promoting healthy lives (para. 37, item 17) and quality education (para. 40, item 4).

2. United Nations conferences and summits

5. The United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (New York, 9-20 July 2001) adopted a programme of action (see A/CONF.192/15) to combat and eradicate illicit small arms and light weapons. The programme of action proposes a range of policy and programmatic undertakings at the national, regional and international levels. Since war and conflict, as well as violence in society, are recognized causes of disablement, progress in implementing the programme of action would contribute to a reduction of one of the significant causes of disability in populations.

6. The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Durban, 31 August-8 September 2001) considered a world vision and international cooperation to fight against racism in the twenty-first century. The Conference outcome — the Durban Declaration and Programme of Action — includes among its strategies to achieve full and effective equality a proposal which invites the General Assembly to consider elaborating an integral and comprehensive international convention to protect and promote the rights and dignity of disabled people (para. 180).

7. The International Conference on Financing for Development (Monterrey, Mexico, 18-22 March 2002) was the first United Nations conference to address financial and development issues. The Conference also involved the first quadripartite exchange of views between Governments, civil society, the business community and institutional stakeholders on global economic issues. The Monterrey Consensus of the International Conference on Financing for Development[1] presents a number of leading actions to support development, including mobilizing resources for development, trade, financial and technical cooperation, debt and systemic issues. Although the outcome document does not specifically address the situation of persons with disabilities in the context of development, it does provide critical guidance on the importance of policy commitments to mainstreaming and equity, including gender equity, respect for human rights and investments in people — in both economic and social infrastructure and social services and social protection — as important factors in the common pursuit of growth, poverty eradication and sustainable development. Those are essential preconditions to development approaches to the advancement of persons with disabilities.

8. The Second World Assembly on Ageing (Madrid, 8-12 April 2002) considered opportunities and challenges of population ageing in the twenty-first century and measures to promote the development of a society for all ages. The outcome document, the Political Declaration and Madrid International Plan of Action on

Ageing, 2002,[2] notes an unprecedented increase in persons aged 60 and over, from 600 million to an estimated 2 billion in 2050, which will be greatest and most rapid in developing countries. It may be recalled that the third review and appraisal of the World Programme of Action concerning Disabled Persons noted that, as populations age, there is an observed decline in motor and sensory abilities but that those are not necessary conditions to include older persons as members of the set of persons with a disability. Population ageing introduces policy considerations related to furthering environmental accessibility for all, planning and delivering appropriate social services and safety nets, and promoting opportunities for sustainable livelihoods to provide conditions for independent living in non-institutional settings (see A/52/351, para. 59). Priority direction II (Advancing health and well-being in old age) of the Madrid Plan of Action considers "older persons and disability" as a specific issue for policy concern and sets forth an objective of promoting the maintenance of maximum functional capacity throughout the life course and promotion of full participation of older persons with disabilities (paras. 87-90).

9. The World Summit on Sustainable Development (Johannesburg, 26 August-4 September 2002) considered issues and trends related to poverty eradication, changing consumption and production patterns, and protection and management of the natural resource base for economic and social development and their implications for sustainable development of current and future generations, cognizant of the need for human dignity for all. The Summit outcome — the Plan of Implementation of the World Summit on Sustainable Development[3] — considers the situation of persons with disabilities in the context of "health and sustainable development" (chap. VI); the Plan identifies persons with disabilities as members of a vulnerable group of society, who require protection from debilitating diseases and special care from the causes of ill health, including environmental causes (para. 53).

3. High-level segment of the substantive session of 2002 of the Economic and Social Council

10. At the high-level segment of its substantive session of 2002, the Economic and Social Council considered the theme "The contribution of human resources development, including the areas of health and education, to the process of development". The themes are important from the disability perspective since health is a precondition for equal participation of persons with disabilities, as presented in rules 2 (Medical care), 3 (Rehabilitation) and 4 (Support services) of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (resolution 48/96, annex), and education is a target area for equal participation (rule 6). However, the ministerial declaration adopted by the Council in 2002 made no reference to the situation of persons with disabilities in the context of development or with reference to education and training, health care or access to modern communications and information technologies.

C. Proposal to elaborate a comprehensive and integral convention to promote and protect the rights and dignity of persons with disabilities

11. As noted above, the General Assembly considered proposals to elaborate a convention on the rights of persons with disabilities at its forty-second (1987) and

forty-fourth (1989) sessions, but decided that the issue required further study. Building on the findings and recommendations of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, President Vicente Fox of Mexico outlined the proposal of Mexico on the elaboration of a comprehensive and integral convention on the rights of persons with disabilities in his address at the general debate of the fifty-sixth session of the General Assembly. In his statement, President Fox called upon the international community to combat poverty and social exclusion. He observed that as societies addressed issues related to the creation and distribution of opportunities of global development, it was important that all citizens be involved as stakeholders; the world would not become more just if certain groups were excluded from that process. Mexico presented for the consideration of the fifty-sixth session of the Assembly a proposal to establish a special committee to study the question of a new international convention on promoting and protecting the rights and dignity of persons with disabilities, which was endorsed by the Assembly in its resolution 56/168.

12. The first session of the Ad Hoc Committee established pursuant to Assembly resolution 56/168 met from 29 July to 9 August 2002 at United Nations Headquarters, under the chairmanship of Ambassador Luís Gallegos, Permanent Representative of Ecuador to the United Nations. In its recommendations, the Ad Hoc Committee directed special attention to promoting accessibility to United Nations facilities, technologies and documents, and invited persons with disabilities and experts to present proposals in that regard. The report of the Ad Hoc Committee (A/57/357) contained a draft resolution on its future work for adoption by the fifty-seventh session of the General Assembly.

II. Activities of the Special Rapporteur on disability of the Commission for Social Development, 1994-2002

13. The Secretary-General appointed Bengt Lindqvist (Sweden) as Special Rapporteur on disability of the Commission for Social Development in 1994, initially for a period of three years; his mandate was twice renewed by resolutions of the Economic and Social Council, in 1997[4] and in 2000,[5] respectively. The reports of the Special Rapporteur present his findings on the promotion and monitoring of the implementation of the Standard Rules and, as requested by the Commission, outline his views, on their further development.

14. Mr. Lindqvist submitted the report on his first mandate (A/52/56, annex) to both the thirty-fifth session of the Commission for Social Development and the fifty-second session of the General Assembly. The first monitoring report included results of questionnaires that had been circulated to Governments and non-governmental organizations in the disability field to review and assess the implementation of the Standard Rules. Eighty-three Governments submitted replies, together with 163 non-governmental organizations. A majority of Governments (84 per cent) reported the existence of a national disability policy or similar instrument, which is a precondition for the equalization of opportunities. The reports described the contribution of the Standard Rules to governmental action to promote the equalization of opportunities; 81 per cent of Governments commented on the use of the Standard Rules in public awareness and information campaigns on the rights of persons with disabilities. The first monitoring report found less progress with regard

to implementation of the target areas for equal participation (rules 5 to 12), which suggested the tendency of focusing more on processes than outcomes in the period immediately following the adoption of the Standard Rules in late 1993 by the General Assembly.

15. The first monitoring report provided important benchmarks on measures to promote equalization of opportunities in terms of findings, based on empirical data, and recommendations on priority actions. In particular:

(a) The report noted that disability was not considered among mainstream technical cooperation issues. It recommended that funds and programmes, such as the United Nations Development Programme (UNDP), and international financial institutions, such as the World Bank, strengthen and integrate disability measures in mainstream development cooperation activities (A/52/56, annex, para. 135);

(b) In the area of education, the report urged that Governments that had not already done so provide appropriate education for children and adults with special educational needs, as recommended in the Salamanca statement and framework for action (A/52/56, annex, paras. 138-139);

(c) In the field of employment, the report urged that Governments that had not already done so ratify and comply with International Labour Organization (ILO) Convention No. 159 on vocational rehabilitation and employment (disabled persons) to support the creation of new and expanded employment opportunities for persons with disabilities in the mainstream (A/52/56, annex, paras. 140-142);

(d) The report noted that accessibility, in both the physical environment and information and communications technologies, was an emerging — and critical — cross-cutting issue in the promotion of the equalization of opportunities. All Governments were urged to adopt appropriate policies and develop accessibility measures (A/52/56, annex, paras. 143-145);

(e) The report noted the positive contributions by organizations of persons with disabilities to promoting the equalization of opportunities, and Governments were urged to develop further patterns of cooperation at all levels (A/52/56, annex, paras. 146-147);

(f) The report noted an observed weakness in the handling of disability matters at governmental levels due to the lack of common monitoring and evaluation procedures, and the United Nations was urged to assist (on request) Governments in building up their own monitoring and evaluation mechanisms (A/52/56, annex, para. 149);

(g) The report noted certain shortcomings in the Standard Rules: they were non-binding and Governments were not obliged to provide information for monitoring by the United Nations, and they were vague with regard to children with disabilities, the gender aspects of disability and accessible housing and shelter (A/52/56, annex, paras. 151-152).

16. The second monitoring report of the Special Rapporteur (E/CN.5/2000/3 and Corr.1, annex), covering the period 1997 to 1999, was considered at the thirty-eighth session of the Commission for Social Development. It contained the preliminary results of a global survey on progress in implementing the preconditions for equal participation (rules 1-4) and personnel training (rule 19), discussed progress related

to human rights and persons with disabilities, and submitted proposals on further developing and complementing the Standard Rules.

17. The survey was carried out in cooperation with the World Health Organization (WHO) since three of the four preconditions related to areas of its substantive competence, i.e., rules 2 (Medical care), 3 (Rehabilitation) and 4 (Support services). The questionnaire was circulated to all 191 WHO member States in April 1999, and 104 Governments had submitted replies as at late 1999. Preliminary analyses of the data indicated that a majority of Governments had reported on the provision of medical services to persons with disabilities (99 of 104), rehabilitation services (73 of 102) and support services, including assistive devices and equipment (87 of 96). The data indicated that most countries had implemented community-based approaches or similar decentralization of the provision of rehabilitation services. A majority of replies submitted (59 of 104) reported that organizations of persons with disabilities were sometimes involved in the planning and evaluation of medical care. Since the participation of persons with disabilities in decisions that affected their welfare and well-being was a central concern of the Standard Rules, the second report urged Governments to strengthen measures to involve persons with disabilities and their organizations in the planning and evaluation of medical care and services (E/CN.5/2000/3 and Corr.1, annex, para. 140).

18. The second report documented progress in the area of human rights and disability, in the light of resolution 1998/3 of the Commission on Human Rights.[6] In that resolution, the Commission recognized United Nations responsibilities for human rights and persons with disabilities; in particular, the Commission: (a) recognized the Standard Rules as an evaluative instrument when assessing the degree of compliance with human rights standards concerning persons with disabilities; (b) encouraged treaty bodies to monitor the compliance of States with their commitments to ensure the full enjoyment of the rights of persons with disabilities; (c) invited special rapporteurs, in carrying out their mandates, to take into account the situation and human rights of persons with disabilities. The Commission urged Governments to implement the Standard Rules that particularly concerned women, children and persons with developmental and psychiatric disabilities to protect their human dignity and integrity.

19. In its examination of options for the way ahead in promoting the rights to persons with disabilities, the report noted that countries were using the Standard Rules as a frame of reference for disability-sensitive policies, plans and programmes but that there were both shortcomings and gaps in them which had been considered in the first monitoring report (A/52/56, annex). One approach to addressing new issues and dealing with topics not currently considered in the Standard Rules could be elaboration of a special convention, which begged the question of the level of specification that would be chosen in such a convention (E/CN.5/2000/3 and Corr.1, annex, paras. 156-159). Chief among issues identified to improve monitoring of the Standard Rules was the need for disability to be monitored from both a human rights and a social development perspective (E/CN.5/2000/3 and Corr.1, annex, paras. 160-163). Promotion of the Standard Rules would also benefit from improved coordination and information exchange, involving both country-level and international action among United Nations bodies and other international organizations; such mechanisms should include forms for cooperation with international non-governmental organizations in the disability field (E/CN.5/2000/3 and Corr.1, annex, para. 164).

20. The third monitoring report of the Special Rapporteur (E/CN.5/2002/4) directed special attention to future issues: (a) options to complement and develop further the Standard Rules, which were presented in an annex to the report (E/CN.5/2002/4, annex); (b) human rights and disability, in the light of Commission on Human Rights resolution 2000/51,[7] in which the Commission had invited the United Nations High Commissioner for Human Rights, in cooperation with the Special Rapporteur on disability, to examine measures to protect and monitor the rights of persons with disabilities; and (c) future monitoring mechanisms.

21. In his discussion on human rights and disability, Mr. Lindqvist noted that general comment No. 5 of the Committee on Economic, Social and Cultural Rights[8] had analysed disability as a human rights issue and provided that persons with disabilities were entitled to the full range of rights recognized in the Covenant on Economic, Social and Cultural Rights. The question of human rights and disability could thus be characterized as an issue of approaches to follow to strengthen and improve the disability dimension in human rights monitoring and protection. The principles of full participation and inclusion, which were prominent concepts of contemporary disability policy, suggested that effective monitoring of the human rights of persons with disabilities was best accomplished as an integral part of existing monitoring mechanisms. Mr. Lindqvist added that in the disability field, the Standard Rules were widely recognized and had proved to be useful in the development of national policies and legislation. They could support the monitoring of human rights in the regular United Nations treaty monitoring systems and serve as a reference when various provisions of existing conventions were applied on the basis of disability needs.

22. Mr. Lindqvist also observed that in the period since the adoption of Commission resolution 2000/51, the question of a special convention on the rights of persons with disabilities had been actively discussed by a number of non-governmental organizations in the disability field. Several issues had been raised in those discussions, including (a) the contribution of a legally binding instrument on human rights and disability to achieving a higher priority for disability needs at national level, and (b) the inclusion of human rights of persons with disabilities as an integral part of regular United Nations treaty monitoring mechanisms and not simply as a matter of social or medical concern. Mr. Lindqvist noted that during the second half of 2001, the Government of Mexico had raised the question of elaborating a comprehensive and integrated convention on the rights of persons with disabilities at both the Durban Conference and the general debate of the fifty-sixth session of the General Assembly. The value proposition of the initiative of Mexico is the promotion and protection of the rights and dignity of persons with disabilities in the context of development. Mexico had proposed that the Assembly establish an Ad Hoc Committee open to the participation of all Member States to consider proposals on the elaboration of a comprehensive and integral convention, which was endorsed by the Assembly in its resolution 56/168 of 19 December 2001. Mr. Lindqvist observed that the process of elaborating a convention had begun, which begged several questions (E/CN.5/2002/4, para. 72):

(a) What areas should a future convention cover?

(b) What relation should it (a future convention) have to existing general conventions?

(c) Should it (a future convention) be expressed as a set of principles, general in nature but possible to apply in a variety of national situations around the world?

(d) Should the main perspective (of a future convention) be based on the needs in developing countries?

(e) Should this future convention replace the Standard Rules, or should the Standard Rules and the convention complement each other?

23. The Special Rapporteur expressed the view that a twin-track approach might be the best way to elaborate a convention on the rights of persons with disabilities, i.e., continued development of the disability dimension in the existing United Nations human rights monitoring system while proceeding with the elaboration of a comprehensive and integral convention on the rights and dignity of persons with disabilities.

24. The Commission for Social Development decided to consider at its forty-second session (see Economic and Social Council resolution 2002/26, para. 12) the views of member States on the proposed supplement to the Standard Rules contained in the annex to the third monitoring report of the Special Rapporteur on disability (E/CN.5/2002/4).

25. Monitoring the Standard Rules involves two functions: assessment and promotion. During the first three mandates, both functions had been carried out; the findings of the quinquennial reviews of the Programme of Action had complemented the Standard Rules monitoring mechanism. Mr. Lindqvist expressed the view that the promotional function would require the appointment of a Special Rapporteur for a further mandate to carry out the tasks presented in chapter IV (Monitoring mechanism) of the Standard Rules. The complementary monitoring and evaluation processes, for the Programme of Action and the Standard Rules, respectively, should be merged into a periodic exercise. Finally, the advisory panel of experts (see General Assembly resolution 48/96, annex, sect. IV, para. 3) to the Special Rapporteur, comprised of representatives of major non-governmental organizations in the field of disability, had provided critical inputs to the monitoring and promotional activities of the Special Rapporteur, and that body should be maintained in the future. One prerequisite of an effective monitoring mechanism was sufficient funds, regular or extrabudgetary, to support the mandated monitoring functions.

III. Progress in data and statistics on disability

26. In its resolution 52/82, the General Assembly urged Governments to cooperate with the United Nations Statistics Division in the continued development of global statistics and indicators on disability. In response to that guidance, the activities of the Division have focused on methodological work, national capacity-building, and the collection and dissemination of data on disability.

A. Methodological work

27. During the period under review, the Division prepared and published the *Guidelines and Principles for the Development of Disability Statistics*.[9] The

publication provides practical guidance and principles on the collection of disability data through both surveys and censuses, and on the compilation, dissemination and usage of data and information on disability. The *Guidelines* build on the *Manual for the Development of Statistical Information for Disability Programmes and Policies*,[10] and the section on disability characteristics contained in the *Principles and Recommendations for Population and Housing Censuses, Revision 1*.[11] The *Guidelines* recommend that the measurement of disability be carried out within the conceptual framework of the WHO *International Classification of Functioning, Disability and Health (ICF)*.[12] The ICF conceptual framework[13] provides standardized concepts and terminology that can be used in disability measurement, which can contribute to improved comparability of data at the national and international levels.

28. Following the finalization of the *Guidelines*, the Division began to organize regional training workshops on disability statistics for national statistical officers and data users from relevant governmental ministries. The first workshop, on disability statistics for Africa, was held in Kampala from 10 to 14 September 2001. In collaboration with the Economic and Social Commission for Western Asia (ESCWA), the Division organized a meeting on disability measurement for ESCWA countries in Cairo from 1 to 5 June 2002.

B. Measurement of disability

29. The measurement of disability for statistical reporting was considered by an international seminar on the measurement of disability (New York, 4-6 June 2001), which was organized by the Division, in collaboration with the United Nations Children's Fund (UNICEF), the Statistical Office of the European Communities (Eurostat), and the Centers for Disease Control and Prevention (CDC) of the United States. Seminar participants reviewed and assessed the current status of methods used in population-based data-collection activities to measure disability in national statistical systems, and agreed to establish the Washington Group on Disability Measurement to implement seminar recommendations on further work to improve the measurement of disability.

30. City groups, a United Nations Statistics Division innovation,[14] are comprised of representatives, in their individual capacity, mainly from national statistical agencies that meet informally to address selected problems in statistical methods. The objectives of the Washington Group are (a) to guide the development of a small set(s) of general disability measures, suitable for use in censuses, sample-based national surveys or other statistical formats, which will provide basic necessary information on disability throughout the world; (b) to recommend one or more extended sets of survey items to measure disability or principles for their design, to be used as components of population surveys or as supplements to specialty surveys; and (c) to address the methodological issues associated with the measurement of disability considered most pressing by Washington Group participants. The first meeting, hosted by the National Center for Health Statistics of CDC, was held in Washington, D.C., from 18 to 20 February 2002, and considered various methodological issues in disability measurement, including purposes of measurement; examination of the ICF model; United Nations standard disability tables; global measures of disability; the relationship of global measures to ICF; the confounding function of assistive device use; cultural practices that influence the

nature of the environment or proscribe participation; and cultural issues that act as barriers to collecting data and cross-national comparability of information. The next meeting is scheduled for January 2003 in Ottawa.

C. Collection, dissemination and use of data on disability

31. The Programme of Action, in paragraph 198, requested the United Nations to develop systems for the regular collection and dissemination of data and statistics on disability. To that end, the web site of the Division includes a disability statistics portal,[15] which provides a guide to available national sources of data and online technical references.

32. With a view to building capacities for the analysis of data and statistics on disability in policy analyses and evaluations, the Division for Social Policy and Development of the United Nations Secretariat, with the participation of the Statistics Division, organized an expert meeting on disability sensitive evaluation and monitoring (New York, 3-5 December 2001) to review and discuss options to improve the organization and presentation of data and statistics in the formulation, monitoring and evaluation of policies, plans and programmes from the disability perspective. Meeting participants recommended that if all persons were to be able to exercise their human rights in the context of development, access to societal institutions must be systematically appraised. Participants examined seven dimensions of accessibility in the environment, which had been presented in the third review and appraisal of the Programme of Action (A/52/351):[16]

(a) Orientation (who): do you have information you wish?

(b) Independence (what): do you choose what you wish to do?

(c) Mobility (where): do you go where you wish?

(d) Occupation of time (when): do you engage when you wish?

(e) Social integration (with whom): are you accepted by others?

(f) Economic self-sufficiency (with what): do you have the resources you need?

(g) Transition (change): are you prepared for change?

33. Meeting participants expressed the view that the seven dimensions were useful in assessing whether opportunities had been equalized in policies, plans and programmes. Systematic appraisal of the seven dimensions of access would cover interactions between people and their environments that must be assessed and compared to reduce all forms of social exclusion to ensure human rights for all, based on the principles of universal design. The situation of persons with disabilities could be monitored along the seven dimensions to assess whether they had been excluded or had been assured their human rights and had benefited from economic and social development. Systematic appraisal of environmental accessibility represented a prerequisite in promoting the human rights for all in the context of development.

IV. Progress in building national capacities for the equalization of opportunities

34. In its resolution 52/82, the General Assembly directed special attention to building national capacities to further implement the Standard Rules and to address the policy issues identified to promote the equalization of opportunities, i.e., accessibility; social services and social safety nets; and employment and sustainable livelihoods. In his progress report on the implementation of the Programme of Action (A/54/388 and Add.1), the Secretary-General discussed progress and achievements in building capacities in each of the priority areas and in support of the Standard Rules.[17] The report reviewed nearly two decades of cooperation with the Arab Gulf Programme for United Nations Development Organizations (AGFUND), under the distinguished leadership of Prince Talal Bin Abdul Aziz Al Saud, in support of the goals and objectives of the Programme of Action. The Secretary-General noted the significant difference of the cooperation with AGFUND and its generous support for catalytic and innovative action, particularly as concerning advancement and empowerment of women and children with disabilities in mainstream development.

35. The Secretary-General also raised the question of options for the way ahead with regard to disability-sensitive development cooperation in the new century. In a situation of generally declining resources for operational activities for development, the exiguous resources of the United Nations Voluntary Fund on Disability[18] had assumed great importance. Although the Fund was only one of the resources available to Governments to build national capacities in the field of disability, the unique value proposition of the Fund derived from its link to the Programme of Action and its focus on developmental approaches to the advancement of persons with disabilities on the basis of full participation and equality. Operationally, the value proposition of the Fund had three distinguishing characteristics: (a) to focus on catalytic and innovative action for equalization of opportunities by, for and with persons with disabilities; (b) to focus on "open approaches" and beneficiary involvement in the determination and provision of advice, assistance and referrals on request; and (c) to focus on initiatives that contributed to "an architecture of the possibilities of human beings".[19] The annexes to document A/54/388/Add.1 documented ways in which the constituency-focused strategy of the Fund had contributed to initiatives of Governments, often in cooperation with the non-governmental community, in the equalization of opportunities, and had resulted in the establishment of partnerships at all levels to support implementation of the Programme of Action and the Standard Rules. The challenge for the new century was to better incorporate the disability dimension in mainstream technical cooperation activities and not to address the question as a matter of the social welfare and health services sectors.

36. In the biennium 2000-2001, an additional set of resources became available to support building national capacities for equalization of opportunities. As part of his programme of reform, the Secretary-General had proposed the establishment of a development account, to be based on savings from planned efficiency measures (see A/51/950, paras. 234-235, actions 21 and 22), whose resources would, inter alia, assist developing countries in implementing global programmes and outcomes of United Nations conferences (see A/51/950/Add.5). By resolutions 54/249 and 54/250, the General Assembly approved an appropriation of US$ 13,065,000 under

section 33 (Development account) for the biennium 2000-2001 to fund 16 projects in the economic and social sectors, including the project entitled "Capacity-building and institutional development for equalization of opportunities for persons with disabilities (00/01H)". As discussed in his report on the implementation of the Programme of Action (A/56/169 and Corr.1), resources allocated to project 00/01H had contributed to expanded cooperation within the United Nations system in support of the priorities identified in Assembly resolution 52/82 on furthering equalization of opportunities for all. Development account support had led to innovative technical exchanges and capacity-building efforts related to accessible tourism in Asia and the Pacific, in cooperation with the Economic and Social Commission for Asia and the Pacific (ESCAP), and accessible urban environments in Western Asia, in cooperation with ESCWA. Recent action supported with the resources of project 00/01H focused on the priority issues of (a) sustainable livelihoods, in cooperation with the UNDP Jakarta field office and the Government of Indonesia, and (b) norms and standards relating to disability, in cooperation with ESCAP, in which the focus was on leadership training for women with disabilities, and with the Economic Commission for Latin America and the Caribbean (ECLAC), in connection with a regional leadership training on the Standard Rules, hosted by the Government of the Republic of Colombia, and an interregional expert meeting on international norms and standards related to disability, hosted by the Government of Mexico. One lesson in implementing assistance provided under the Development Account is the need for full and effective involvement of local partners, both implementing and cooperating agents, in the light of the financial rules and regulations of the Organization that concern this activity: Development Account resources are derived from the regular budget and not from voluntary contributions. Capacity-building initiatives supported by Development Account resources are quick to implement once procedural and financial conditions are met; for the end user, the source of funds is neutral. Since activities supported by the Development Account relate to priorities of the Organization in the economic and social field, Development Account assistance contributes to mainstreaming of the disability perspective.

V. Regional cooperation for the equalization of opportunities

A. Asian and Pacific Decade of Disabled Persons (1993-2002)

37. The experience of the Asian and Pacific Decade of Disabled Persons (1993-2002) provides important lessons in regional cooperation to promote equalization of opportunities. ESCAP resolution 48/3 proclaimed the Decade, with the goals of achieving full participation and equality of people with disabilities. The proclamation and agenda for action of the Decade set forth policy guidelines for achieving the goals of the Decade and outlined 12 areas of policy concern: national coordination, legislation, information, public awareness, accessibility and communication, education, training and employment, prevention of causes of disability, rehabilitation services, assistive devices, self-help organizations and regional cooperation. ESCAP organized in June 1995 a regional technical meeting to review progress in implementing the Decade and to set targets and recommendations to implement the agenda for action, including recommendations on the inclusion of the gender dimension in Decade-related action. In 1997, at the mid-point of the

Decade, ESCAP organized, in cooperation with the Government of the Republic of Korea, a meeting of senior officials to mark the mid-point of the Decade (Seoul, 26-29 September 1997), consider progress in meeting the Decade goals of full participation and equality of people with disabilities and provide guidance for action for the second half of the Decade. The Seoul proposals for the second half of the Decade were endorsed in ESCAP resolution 54/1. Proposals for further strengthening Decade targets were considered by the Commission at its fifty-sixth session, when it endorsed a total of 107 Decade targets for action by 2002 (see E/ESCAP/1173). By July 2002, ESCAP reported that 41 of 57 ESCAP members and associate members had signed the proclamation on full participation and equality of people with disabilities in the Asian and Pacific region.

38. The data available (see E/ESCAP/APDDP/1) indicate that the Decade has achieved a great deal. It has obtained wide support among Governments and the non-governmental community. One factor contributing to its success has been the biennial consideration by ESCAP of progress in and obstacles to the implementation of the agenda for action. Target-setting at both technical and intergovernmental levels provided opportunities to address new and emerging issues and to build consensus for action. While ESCAP data suggest that the goals of the Decade, full participation and equality of persons with disabilities, have not been met, there has been progress on a broad disability agenda: efforts in mainstreaming disability issues in development; upholding the rights of persons with disabilities by means of enforceable measures; increasing attention to environmental accessibility, universal design and inclusive education; beneficiary involvement in services planning and provision; and integrated training and employment promotion schemes. Since poverty and hunger demand urgent attention, the link between poverty, disabilit and unmet needs of persons with disabilities, especially in rural areas, is no recognized as integral to addressing that priority concern.

39. The Decade will end in December 2002. In its resolution 58/4, the Commission proclaimed the extension of the Decade for a second decade, 2003-2012. A high-level intergovernmental meeting to conclude the Decade (Otsu City, Shiga, Japan, 25-28 October 2002) considered a regional framework for action by Governments and concerned stakeholders in the region to achieve an inclusive, barrier-free and rights-based society for persons with disabilities in the new decade, 2003-2012. The regional framework for action identified the following areas for priority action in the new Decade: (a) self-help organizations of persons with disabilities; (b) women with disabilities; (c) early intervention and education; (d) training and employment, including self-employment; (e) access to built environments and public transport; (f) access to information and communications, including information communications technology; and (g) poverty alleviation through social security and sustainable livelihoods. The regional framework for action incorporated the Millennium Development Goals and their relevant targets with a view to ensuring that issues and concerns related to persons with disabilities were integral to efforts to achieve the Goals.

B. African Decade of Disabled Persons (2000-2009)

40. The African Decade of Disabled People is an initiative of the non-governmental community of Africa, in cooperation with member States and Governments of the Organization of African Unity (OAU), to further equalization of

opportunities of persons with disabilities. The decision to proclaim the Decade is the result of a recommendation made by the Labour and Social Affairs Commission of OAU during its twenty-second session, held at Windhoek from 19 to 24 April 1999, which was adopted at an OAU Assembly of Heads of State and Government meeting held in Algiers (12-14 July 1999). The period 2000 to 2009 was formally proclaimed the African Decade of Disabled Persons at the seventy-second ordinary session of the OAU Council of Ministers and thirty-sixth Assembly of the Heads of State and Government, respectively, held in Lomé from 10 to 12 July 2000, with the goals of promoting awareness and commitment to full participation, equality and empowerment of persons with disabilities in Africa. Following the proclamation of the Decade by OAU (now the African Union), responsibility for organizing the Decade was given to the African Rehabilitation Institute (ARI), an OAU regional institution headquartered in Harare, with subregional offices in Dakar (for West Africa), Brazzaville (for Central Africa) and Harare (for Southern Africa). ARI shares that responsibility and collaborates in the planning of the Decade with the non-governmental Pan African Federation of Disabled Persons (PAFOD), the African Union of the Blind (AFUB) and other regional organizations of persons with disabilities.

41. In paragraph 14 of its resolution 2000/10, the Economic and Social Council encouraged international support for the Decade to promote equalization of opportunities and to promote and protect the human rights of persons with disabilities.

42. From 4 to 7 February 2002, OAU organized at Addis Ababa, in collaboration with ARI, PAFOD, AFUB and other regional organizations of persons with disabilities, a pan-African conference on the Decade to consider a plan of action for the Decade.[20] The aim of the action plan is to provide guidance to member States and Governments of OAU to further the goals of full participation, equality and empowerment of people with disabilities in Africa. Throughout the plan, the terms "people with disabilities", "disabled persons" and "disabled people" are used interchangeably, reflecting accepted usage in different countries. The draft plan was adopted by conference participants on 7 February 2002 and transmitted for consideration of the OAU Labour and Social Affairs Commission at its twenty-fifth session, held in Ouagadougou (16-21 April 2002). The action plan was formally endorsed by the OAU Council of Ministers in its decision CM/DEC.676 (LXXVI).

43. The action plan calls upon OAU member States and Governments to study the situation of persons with disabilities with a view to formulating measures favouring the equalization of opportunities, full participation and their independence in society. Member States and Governments are urged:

(a) To formulate or reformulate policies and national programmes that encourage the full participation of persons with disabilities in social and economic development;

(b) To create or reinforce national disability coordination committees, and ensure effective representation of disabled persons and their organizations;

(c) To support community-based service delivery, in collaboration with international development agencies and organizations;

(d) To promote more efforts that encourage positive attitudes towards children, youth, women and adults with disabilities, and the implementation of

measures to ensure their access to rehabilitation, education, training and employment, as well as to cultural and sports activities and access to the physical environment;

(e) To develop programmes that alleviate poverty among disabled people and their families;

(f) To put in place programmes that create greater awareness and conscientiousness of communities and Governments relating to disability;

(g) To prevent disability by promoting peace and paying attention to other causes of disability;

(h) To mainstream disability on the social, economic and political agendas of African Governments;

(i) To spearhead the implementation of the Standard Rules and ensure their use as a basis for policy and legislation to protect the interests of disabled people in Africa;

(j) To apply all United Nations and OAU human rights instruments to promote and monitor the rights of persons with disabilities.

44. The action plan states that the goal and objectives of the Decade will be implemented by Governments, in partnership with organizations of persons with disabilities; international organizations, including the United Nations and its specialized agencies; the African Union and its specialized agencies; social partnerships (organizations of employers and workers); and non-governmental organizations and other civil society organizations.[21] The Decade is recognized as a subprogramme of the New Partnership for Africa's Development (NEPAD) (see A/57/304, annex), whose basic goals include promoting accelerated growth and sustainable development and eradication of widespread and severe poverty.

C. Arab Decade of Disabled Persons

45. The question of proclaiming the period 2003 to 2012 as the Arab Decade of Disabled Persons was considered by a meeting hosted by ESCWA in Beirut from 2 to 5 October 2002. The conference, on the theme "Disability conditions in the Arab world: towards an Arab decade on disability", was organized by the League of Arab States and the Arab Organization of Disabled People, in collaboration with the Ministry of Social Affairs of Lebanon, ESCWA, and local, regional and international organizations concerned with disability. More than 250 people attended the conference, which included Arab ministers, officials from 18 Arab countries, experts, diplomatic representatives and representatives of non-governmental organizations. Conference deliberations focused on the 10 main objectives identified for the Decade: education; health; legislation; rehabilitation and employment; the disabled woman; the disabled child; accessibility and transport; globalization, poverty and disability; information and awareness; recreation and sports. Plenary and workshop sessions identified recommendations that were unanimously adopted at the closing session, which, along with a declaration on the Decade, will be presented to the League of Arab States and the Arab Ministers of Social Affairs for adoption and proclamation at the forthcoming Arab Summit. Proclamation of the Decade and its translation into a comprehensive plan of action would provide

western Asia with a framework to promote cooperation and action to ensure that Arab persons with disabilities would be more fully integrated into society and could take charge of their lives.

D. Latin America and the Caribbean

46. The data available suggest that Governments and civil society organizations are effectively using information technologies to promote and develop networks for promoting awareness and cooperation related to equalization of opportunities for persons with disabilities. Following the conclusion of the first Latin American seminar on Internet accessibility (Mexico City, 4-7 June 2000), meeting participants established the Red LatinoAmericana, which is hosted by the Fundación Mexicana de Integración Social and the Organización Internacional Vida Independiente para Personas con Discapacidad (non-governmental organizations). The *Red* is an Internet-based forum for the exchange of knowledge and experience and planning, and the organization of technical meetings and training activities throughout the Americas. In the field of rights of persons with disabilities, civil society organizations have made innovative use of open-source forums to promote concept of a convention to promote and protect the rights of persons with disabilities. The online forum was established in connection with preparations for an interregional meeting of experts on a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities (Mexico City, 11-14 June 2002). The results of the online dialogue provided input to the meeting of experts, hosted by the Government of Mexico, as well as background for consideration by the first session of the Ad Hoc Committee established pursuant to General Assembly resolution 56/168 to consider proposals for a comprehensive and integral convention on the rights of persons with disabilities. The Red LatinoAmericana and the convention on disability forum are important examples of how accessible information technologies provide open and democratic means for interested parties to exchange knowledge and experience and plan joint action to pursue shared goals and objectives.

Notes

[1] *Report of the International Conference on Financing for Development, Monterrey, Mexico, 18-22 March 2002* (United Nations publication, Sales No. E.02.II.A.7), chap. I, resolution 1, annex.

[2] *Report of the Second World Assembly on Ageing, Madrid, 8-12 April 2002* (United Nations publication, Sales No. E.02.IV.4), chap. I, resolution 1, annexes I and II.

[3] *Report of the World Summit on Sustainable Development, Johannesburg, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1), chap. I, resolution 2, annex.

[4] In its resolution 1997/19, the Economic and Social Council decided to renew the mandate of the Special Rapporteur for a further period of three years.

[5] In its resolution 2000/10, the Economic and Social Council decided to renew the mandate of the Special Rapporteur for a further period through the year 2002.

[6] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23).

[7] See *Official Records of the Economic and Social Council, 2000, Supplement No. 3* (E/2000/23).

[8] See *Official Records of the Economic and Social Council, 1995, Supplement No. 3* (E/1995/22), annex IV.

[9] United Nations publication, Sales No. E.01.XVII.15.

[10] United Nations publication, Sales No. E.96.XVII.4.

[11] United Nations publication, Sales No. E.98.XVII.8.

[12] Geneva, 2001.

[13] In the ICF model, a person's functioning or disability is conceived as a dynamic interaction between health conditions and environmental and personal factors. Functioning and disability are both multidimensional concepts. Disability is the umbrella term for any or all of an impairment of body structure or function, a limitation in activities, or a restriction in participation; see Australian Institute of Health and Welfare, *Disability Data Briefing: The International Classification of Functioning, Disability and Health (ICF)*, Occasional Series, No. 20 (June 2002).

[14] Since its twenty-ninth session, in February 1997, the Statistical Commission has discussed the work of the city groups, reviewed accomplishments of existing groups and examined the terms of reference for proposed new groups.

[15] http://unstats.un.org/unsd/disability/.

[16] A systematic appraisal of the dimensions of accessibility is presented in Scott Campbell Brown, "Methodoligical paradigms that shape disability research", chapter 5 in Gary L. Albrecht, Katherine D. Seelman and Michael Bury, eds., *Handbook of Disability Studies* (Thousand Oaks, Sage Publications, 2001); the first six of the seven dimensions of accessibility considered at the meeting are derived from World Health Organization, *International Classification of Impairments, Disabilities and Handicaps: A Manual of Classification Relating to the Consequences of Disease* (Geneva, 1980).

[17] Additional information on building national capacities to promote and monitor implementation of the Standard Rules is presented in the Note of the Secretary-General to the report on the second mandate of the Special Rapporteur on Disability (E/CN.5/2000/3) <http://www.un.org/esa/socdev/enable/disecn003e0.htm>.

[18] The Fund was established pursuant to General Assembly resolution 32/133, in connection with preparations for the 1981 International Year of Disabled Persons. The General Assembly decided, in its resolution 40/31, that the Fund would be renamed the Voluntary Fund for the United Nations Decade of Disabled Persons (1983-1992), and that its resources would support catalytic and innovative action to further implement the Programme of Action. By its resolution 47/88, the Assembly decided that the Fund would continue in the period beyond the Decade as the United Nations Voluntary Fund on Disability.

[19] See Tom Peters, *The Circle of Innovation* (London, Hodder and Stoughton, 1998).

[20] Support for research and drafting of the plan was assisted in part by a grant from the Voluntary Fund on Disability to the African Rehabilitation Institute; the grant also supported participation by representatives of Africa regional organizations of persons with disabilities at the conference.

[21] The United Nations, represented by the United Nations Voluntary Fund on Disability, co-financed the drafting of the action plan and participation by representatives of regional African organizations of persons with disabilities at the February 2002 pan-African conference; the International Labour Organization, represented by its African Regional Office, assisted the African Rehabilitation Institute in organizing the conference; and United Nations Educational, Scientific and Cultural Organization and WHO supported participants at the conference. In connection with the OMEGA initiative to promote social and economic integration of persons with disabilities in Africa, the United States Agency for International Development is providing support for private voluntary organizations to implement and expand rehabilitation services for civilian victims of war and other people with disabilities in Africa.

United Nations A/AC.265/2003/4

General Assembly

Distr.: General
6 May 2003

Original: English

Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities
New York, 16-27 June 2003

Views submitted by Governments, intergovernmental organizations and United Nations bodies concerning a comprehensive and integral international convention on the protection and promotion of the rights and dignity of persons with disabilities

Note by the Secretary-General

Summary

The present note was prepared pursuant to General Assembly resolution 57/229, in which the Assembly requested the Secretary-General to seek the views of Member States, observer States, relevant bodies and organizations of the United Nations system, including relevant human rights treaty bodies and the Special Rapporteur, on proposals for a convention, including questions relating to its nature and structure and the elements to be considered, in particular the work done in the field of social development, human rights and non-discrimination, as well as issues of follow-up and monitoring and the complementarity between a new instrument and existing instruments. In the same resolution, the Assembly requested the Secretary-General to submit to the Committee at its second session a comprehensive report on the views submitted, to be issued at least six weeks before the commencement of the second session.

The present note provides a summary and excerpts of the views of Member States, intergovernmental organizations, and offices, programmes and specialized agencies of the United Nations system that responded to the request of the Secretariat for submissions. It covers aspects of a convention to promote and protect the rights and dignity of persons with disabilities, including potential objectives, principles, scope and elements of a convention; definitions of disability; monitoring and evaluation mechanisms; options for modes of negotiation in the Committee;

03-35964 (E) 210503

complementarity with the monitoring of the World Programme of Action concerning Persons with Disabilities and the Standard Rules on the Equalization of Opportunities for Persons with Disabilities; monitoring and evaluation of existing human rights instruments; and other elements. The note concludes by suggesting models for a potential convention based on existing instruments.

Contents

		Paragraphs	*Page*
I.	Introduction	1	3
II.	Background	2–7	3
III.	Contributions received from Governments, intergovernmental organizations and the United Nations system	8–73	4
	A. General remarks	8–14	4
	B. Specific views of Governments: comments regarding the elements of a convention	15–43	6
	C. Views and comments of intergovernmental organizations	44–48	12
	D. Contributions by the United Nations system	49–67	13
	E. Suggestions for the structure and contents of a convention based on existing models	68–73	16

I. Introduction

1. In response to the request of the General Assembly in its resolution 57/229, a note verbale was sent by the Secretariat to invite views on a convention. Replies were received from the following countries: Algeria, Australia, Canada, China, Colombia, Czech Republic, El Salvador, Greece (on behalf of the European Union), Hungary, Japan, Jordan, Lithuania, Mauritania, Mexico, Norway, Qatar, the Russian Federation, Slovakia, Uganda and Thailand. The Pacific Islands Forum, the League of Arab States and the African Union also submitted comments. The Economic and Social Commission for Asia and the Pacific (ESCAP); the United Nations Human Settlements Programme (UN-Habitat); the Office of the United Nations High Commissioner for Human Rights; the United Nations Children's Fund (UNICEF); the International Labour Organization (ILO); the Food and Agriculture Organization of the United Nations (FAO); the World Health Organization (WHO); the Pan American Health Organization (PAHO); and the International Civil Aviation Organization (ICAO) made contributions. The Committee against Torture, the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child limited their contributions to preliminary remarks.

II. Background

2. The United Nations Decade of Disabled Persons (1983-1992) saw the creation of normative standards to advance the rights of persons with disabilities. Superseding previously held notions of "social welfare", those standards reflected a human rights framework that would facilitate the full participation of persons with disabilities in all aspects of life and development, on the basis of equality

3. The connection between human rights, violations of fundamental freedoms and disability was further elaborated in a report entitled "Human rights and disabled persons" prepared by the Special Rapporteur on disability of the Commission on Human Rights in the early 1980s. The report recognized the importance of further developing jurisprudence within human rights mechanisms and institutions, at both international and national levels, and of increasing efforts to adjudicate the rights of persons with disabilities.

4. At the mid-point of the Decade, the first initiative for a convention emerged during a global meeting of experts to review the implementation of the World Programme of Action concerning Disabled Persons, held in Stockholm from 17 to 22 August 1987. The meeting recommended that the General Assembly convene a special conference on the rights of persons with disabilities, with the mandate to elucidate such rights and to draft an international convention on the elimination of all forms of discrimination against disabled persons, to be ratified by States by the end of the Decade, in 1992. The Government of Italy raised the possibility of an international convention at the forty-second session of the General Assembly (see A/C.3/42/SR.16), and the Government of Sweden proposed the elaboration of an international instrument on the rights of persons with disabilities at the forty-fourth session of the Assembly (see A/C.3/44/SR.16). Agreement was ultimately reached on the elaboration of a non-binding instrument, the Standard Rules on Equalization of Opportunities for Persons with Disabilities, in 1993. Unanimously adopted by the General Assembly in its resolution 48/96, the Standard Rules are an international

instrument promoting disability-sensitive policy design and evaluation, as well as technical cooperation.

5. A comprehensive comparative study of global disability policies and programmes undertaken by the United Nations in 1997 (A/52/351) further identified the need for a broad human rights framework which would draw upon the considerable body of international norms and standards in various fields and contribute to the advancement of the rights of all persons in society.[1] The Commission on Human Rights adopted a resolution in 2000 to include the rights of persons with disabilities in the monitoring mechanisms of relevant human rights instruments.

6. In 2001, the Government of Mexico raised the issue of a convention to protect and promote the rights of persons with disabilities,[2] and in its resolution 56/168, the General Assembly established the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities to consider proposals for a convention. The Committee held its first meeting from 29 July to 9 August 2002, during which discussions took place on a wide range of organizational and thematic issues concerning a convention. In its resolution 57/229, the General Assembly invited participation and input in the work of the Committee by all stakeholders: Governments, international organizations, regional bodies and civil society, especially organizations of persons with disabilities, as well as individual experts.

7. During the forty-first session of the Commission for Social Development (2003) and the fifty-ninth session of the Commission on Human Rights (2003), resolutions were adopted which called for continued contributions and collaboration on a convention to promote and protect the rights and dignity of persons with disabilities. The resolution adopted by the Commission on Human Rights also called upon the Office of the United Nations High Commissioner for Human Rights to continue to implement recommendations related to the study on human rights and disability commissioned by his Office. The report of the Secretary-General on the implementation of the World Programme of Action concerning Disabled Persons (A/58/61-E/2003/5), which contains recommendations concerning the elaboration of a convention, will be submitted to the General Assembly at its fifty-eighth session. The report will also be made available to the Committee at its second session.

III. Contributions received from Governments, intergovernmental organizations and the United Nations system

A. General remarks

8. All replies addressed the elaboration of a convention on the rights of persons with disabilities in accordance with operative paragraph 5 of General Assembly resolution 57/229. Two responses (Colombia and El Salvador) provided comments directly to the draft text previously proposed by the Government of Mexico (see A/AC.265/WP/1).

9. Support for the work of the Committee to consider proposals for a convention was widespread among respondents to the note verbale. Replies indicated a wide

range of issues to be considered in the context of an international convention: international norms, standards and procedures; strategies for implementation at the national level; rights of persons with psychiatric and developmental disabilities; women with disabilities; accessibility to information technology and environments; and the connection between development and disability. The fundamental principles and provisions of the convention should be linked to development and address a wide range of social, economic and cultural issues. Broad international support for the proposed convention and effective implementation would be necessary for the full realization of the human rights of persons with disabilities, while recognition must also be accorded to the different historical and cultural backgrounds and varying levels of development of countries. Special attention was required to the situations of developing countries, in particular the least developed countries.

10. While recognizing the potential for adjudication of the human rights of persons with disabilities within existing United Nations human rights mechanisms, a number of references highlighted existing constraints and pointed out that mainstreaming disability within existing United Nations human rights mechanisms was an urgent priority. A number of comments raised the question of overall streamlining and mainstreaming of disability in the existing human rights mechanisms while avoiding duplication and overlap, as well as how existing instruments and procedures would address the rights of persons with disabilities in an integrated and comprehensive manner. Some replies expressed concern that the Committee must engage in a systematic review of the complementarity and normative consistency between a new convention and the existing instruments before considering elaboration of a convention.

11. Many replies referred to the importance of not only the legal frameworks for eliminating discrimination but also the effective formulation and evaluation of legislation and policies on disability. Views were expressed that a new convention should provide guidance on policies and legislation by defining obligations and supporting implementation activities. A convention should provide a framework of options to address the varying conditions of disability and their consequences not specifically covered in existing international instruments.

12. Strong emphasis was given to incorporating a gender perspective in all efforts to promote and protect the rights of persons with disabilities, in particular in the process of elaborating a convention.

13. Many Governments expressed their commitment and support for continuing promotion and implementation of the Standard Rules. It was noted that the Standard Rules could provide comprehensive normative guidance and an empirical basis for a new instrument.

14. A large number of replies reiterated the role of civil society as a crucial and essential factor in the process of elaborating a convention, as well as in the implementation of international human rights norms to promote the rights of persons with disabilities. Non-governmental organizations, especially those of persons with disabilities, experts, regional bodies and the Special Rapporteur on disability of the Commission for Social Development are expected to be actively involved in the process for the elaboration of a convention.

B. Specific views of Governments: comments regarding the elements of a convention

Objectives

15. Among the objectives of a convention described in the replies were to promote equal and effective enjoyment of all human rights and fundamental freedoms by persons with disabilities; to eliminate all forms of discrimination against persons with disabilities; to clarify the content of the human rights principles and ensure consistency and the applicability of all human rights in the disability context; to provide an authoritative and global reference point for domestic law, policy and initiatives; to include effective monitoring of the rights of persons with disabilities through implementation of the new convention as well as existing international instruments; to promote the removal and prevention of all barriers to the full participation of persons with disabilities in all aspects of society; to enhance social integration and social development through participation of persons with disabilities as active contributors and beneficiaries; and to provide an international legal framework to strengthen regional and international cooperation.

16. Mexico stated that the ultimate objective of a convention was twofold: to achieve universal awareness of the needs of persons with disabilities; and to achieve the full development of persons with disabilities and their inclusion in all spheres of life, with conditions and opportunities equal to those of other people. The European Union stated that a convention should be a balanced, realistic and legally binding instrument that would aim to develop those provisions of existing human rights treaties with a view to tailoring them, where relevant, to the specific circumstances faced by persons with disabilities.

17. The need to acknowledge different levels of development and strengthen international cooperation was raised by several countries, including Algeria, China, the Czech Republic and Thailand.

Principles

18. A number of replies referred to the basic human rights principles as contained in the six core international human rights instruments, as well as other international instruments relating to disability: respect for human dignity; equality and non-discrimination; inclusion and participation; autonomy and self-determination.

19. Australia considered that the principles adopted in the Standard Rules should form the basis for a convention, since they had received a high level of acceptance by the international community. Mexico and Slovakia referred to the applicability of basic human rights principles to the varying conditions of persons with disabilities. The Czech Republic referred to the principles of mainstreaming and respect for diversity.

20. Lithuania stated that the principles should be adopted from all international norms and standards relating to disability, not only legal instruments but also resolutions of United Nations bodies and organizations.

Scope

21. Many countries envisaged a holistic convention encompassing all human rights: civil, political, economic, social and cultural, and based on general principles

relevant to disability, such as equality and non-discrimination. The European Union stated that the new instrument must take into consideration the diversity of persons with disabilities, while at the same time recognizing common experiences of discrimination based on disability. Qatar suggested that drafting a convention required a realistic approach and stated that it would be difficult to draft a comprehensive convention, and therefore the convention should be limited to general principles, such as non-discrimination and equality, with the possibility of adding more detailed protocols in the future. It felt that a highly detailed instrument would be unlikely to gain broad acceptance among Governments.

22. Canada stated that any new instrument should build on the rights, norms and standards set out in existing international instruments. China suggested that the convention serve as a programmatic document offering guidance to all countries in the protection of persons with disabilities. The Czech Republic stated that the adoption of a binding instrument was necessary, providing common standards for incorporating the experience in implementation of the World Programme of Action and the Standard Rules. China stressed giving equal emphasis to human rights and social development, a view also expressed by Thailand, which would include social development in the scope of the convention, in addition to human rights and non-discrimination.

23. Algeria, China and Qatar stated that a convention should take into account different degrees of implementation of economic and social rights, as well as technological advances and economic progress of each country, so that it could attract broad support and widespread ratification. Algeria also emphasized the need for a synopsis of the individual circumstances of each State. Japan and the Czech Republic pointed to the jurisprudence in progressive achievement of economic and social rights and its implications for the rights of persons with disabilities.

Definitions of disability

24. The definition of disability has been an integral concern to policy makers, legislators and academics. Most replies noted that there is no single definition of disability and reflected that disability was frequently dependent on context. Several replies referred to the International Classification of Functioning, Disability and Health adopted by the World Health Organization in 2001, and Canada suggested that any definition should reflect that work so as to promote the standardization of international disability terminology and collection of data on disability issues. The view was expressed that a definition should reflect social dimensions of disability and avoid the construction of disability as solely medical. Views were also expressed that the definition must be harmonized with the principles of human rights and the goals of specific laws, policies and programmes.

25. Algeria found the existing definitions useful, while Jordan preferred the adoption of more progressive and comprehensive definitions. Japan stated that the definitions should be universally accepted but leave flexibility for interpretation by individual countries. The European Union considered it necessary to take into account the diverse and complex nature of disability to preclude any misinterpretations. Norway stated that the convention should cover disabilities arising from all kinds of impairments (physical, mental, sensory) and the handicaps that were imposed on persons with disabilities by the demands of society and environment. The Russian Federation offered the following definition of persons

with disabilities: "persons whose health is impaired by a lasting deterioration of the functions of the organism resulting from disease, injury or deficiencies, creating limitations affecting their daily living and necessitating social protection".

26. The European Union considered that the question of definition required further consideration, and that any definition would need to strike an effective balance between the diverse and complex nature of disability and the need to avoid overly broad wording that could be subject to misinterpretation. The EU favoured refraining from defining aspects of disabilities that were not necessary for the purposes of the instrument, and suggested that detailed discussion of this subject should be avoided at this early stage in the process since it was likely to hold up substantive discussion. It was noted that there should be further discussion in which this question is addressed in national laws, international law and substantive measurement tools.

Elements

27. Many replies referred to the basic human rights provisions of the existing international human rights and disability-specific instruments, such as the Standard Rules. While the most fundamental human rights obligations should also be applicable to all persons with disabilities, special measures were required to ensure that persons with disabilities were to enjoy equal opportunities.

28. Canada pointed to the need to stipulate the obligations of States parties related to equality and non-discrimination in national legislation and policies. China, Mexico and Norway proposed a wide range of rights specifically focusing on meeting the requirements of persons with disabilities, such as the right to access to information and to the environment, as well as the right to social and health services, so as to enable their full participation in society. Norway further stated that States parties would commit to taking appropriate steps to create a society which was free from man-made barriers and based on the principle of universal design, and suggested that a convention should state that all future multilateral and bilateral agreements on development aid should take appropriate account of the needs of persons with disabilities and of the principle of universal design. Hungary referred to its national legislation, which encompassed the rights of persons with disabilities to accessibility, social services, medical care and rehabilitation, education, employment, freedom of movement and cultural rights.

Monitoring and evaluation mechanisms

29. All replies identified the need for an effective monitoring and evaluation system, and some made specific suggestions. The Czech Republic, Jordan and Qatar suggested parallels to existing mechanisms of United Nations human rights treaty bodies. The Czech Republic considered that the mechanism related to the International Covenant on Economic, Social and Cultural Rights would be an appropriate model since the new convention should be similar to the Covenant, especially regarding obligations under the Covenant. It suggested a mechanism based on the submission of reports to a special committee established by a new convention. The committee would also be authorized to appoint a special rapporteur to examine specific issues or to conduct inquiries. Jordan raised the possibility of including a technical advisory body to provide guidance to Governments on matters not specifically addressed by a new convention, including guidelines on

accessibility to the man-made environment and information technologies; accessibility guidelines on the reconstruction of post-conflict societies; and disability guidelines on programme design and implementation for international development and humanitarian assistance work. Hungary, Qatar and Thailand suggested provisions to ensure that persons with disabilities and their organizations could participate in any monitoring and evaluation mechanism or exercises.

30. Uganda proposed the development and dissemination by the United Nations of monitoring and evaluation forms that States parties would return to the United Nations for analysis and feedback. China proposed holding biennial meetings of the States parties to the Convention under the auspices of the United Nations. Such meetings would be responsible for evaluating the implementation of the convention and reviewing the recommendations and views put forward by committees of experts, ultimately submitting them in report form to the main organs of the United Nations. Thailand suggested the inclusion of targets and implementation plans in the convention, as well as guidelines for implementation at both the national and international levels. Australia, Canada and Japan expressed concern over duplication of the work already done by other bodies and the need to discuss monitoring and evaluation systems carefully. The replies indicated a desire to utilize, improve and coordinate existing international mechanisms rather than create new ones. It was important to avoid imposing additional onerous reporting requirements on States parties. The Russian Federation stated that inclusion of disability in periodic reporting under the existing treaty bodies would be sufficient and there was no need for a separate body to monitor implementation of a new convention.

Options for modes of negotiation

31. Most replies emphasized the importance of involving persons with disabilities and all other stakeholders concerned with the promotion of the rights of persons with disabilities. Mauritania and Uganda saw the necessity of including the families of persons with disabilities, especially parents of children with disabilities, in the drafting process. China stated that contributions to the work on a convention should be solicited through the framework of the current Committee, and proposed that Governments include persons with disabilities and representatives of their organizations in national delegations to the Committee. Canada also supported the Committee as the appropriate means of examining the issue of an international convention. El Salvador, Jordan, Lithuania and Mauritania proposed the establishment of a working group to draft a convention. Jordan went on to state that the Committee should be mandated to establish a working group, which would be the focal point for contributions from all stakeholders. The involvement of persons with disabilities in the working group should be considered on the basis of equitable representation, based on geography and economic development as well as different types of disability. China also proposed that periodic meetings be held in the coming months either at United Nations Headquarters or other venues in order to speed progress of work and achieve consensus to start drafting a convention.

32. Mexico proposed that the Committee consider at its second session the proposals and input for the submitted text of a convention. Mexico stated that options for the establishment of working groups or other forms of groups could be discussed at a later stage as work progressed in the Committee and on the basis of the proposal from its Chairman.

33. The Russian Federation proposed the establishment of an open-ended working group to meet during the sessions of the Commission for Social Development, following the example of the drafting of the optional protocol to the Convention on the Elimination of Discrimination against Women. Uganda suggested establishing a consultative group, including policy makers, implementing agents, disability organizations, service providers and families of persons with disabilities.

34. The European Union stated that the question of the mode of negotiation of a future instrument was premature since the Committee was still in the process of identifying its nature and structure as well as the elements to be included. It stated, however, that it welcomed the submission of relevant new proposals and expressed the hope that they would be given appropriate consideration. The work of the Committee must be transparent and inclusive and incorporate the contributions of both specialized non-governmental organizations and independent experts to the advancement of the elaboration process.

35. Australia stated that the current discussion on a convention was proceeding without a thorough examination of which of the rights of persons with disabilities were not protected under existing instruments and whether there were methods for closing those gaps that would not entail the negotiation of a new convention. Canada, Japan and Norway reiterated that the existing mechanisms to promote and protect the rights of persons with disabilities must be carefully reviewed to ensure that any new instrument helped to coordinate, focus and enhance rather than undermine the work of existing international bodies.

Complementarity with regard to monitoring of the World Programme of Action concerning Disabled Persons and the Standard Rules on the Equalization of Opportunities for Persons with Disabilities

36. Most replies stressed the need to continue implementation of the mechanisms with regard to the two existing instruments. Thailand suggested that there should be one specific monitoring and evaluation mechanism for the two existing instruments. The Czech Republic stated that the monitoring of the implementation of the Standard Rules was limited because of its non-binding nature.

37. According to the European Union, the elaboration of a new instrument should not delay the process of refining and updating the Standard Rules. Effective monitoring and evaluation mechanisms, in particular, were necessary to ensure effective implementation, transfer good practices and assist States in raising levels of understanding concerning the relevant obligations. By carefully following up on the ongoing work of the World Programme of Action and the Standard Rules, human rights machinery can be streamlined in a way that promotes efficiency and avoids duplication.

Monitoring and evaluation of the existing human rights instruments

38. Most replies referred to the existing human rights instruments and the need to strengthen and streamline their machinery to incorporate disability more effectively in the work of the existing treaty bodies. Australia, the European Union and Japan stressed that the proposal for a new convention was an opportunity to promote other relevant conventions and to improve their effectiveness to promote and protect the human rights of persons with disabilities. Qatar stated that a convention would be used to mainstream instead of marginalize the issue of disability. Complementarity

and avoidance of duplication would therefore be key issues during the negotiation process, according to Norway.

39. Canada stated that the basic framework was represented by the six core United Nations human rights conventions, and suggested that even if a new convention were adopted, it would still be necessary to obtain maximum advantage from the existing human rights instruments. Norway pointed to the need to clarify the division of work between a possible new monitoring and evaluation mechanism and the mechanisms of existing instruments. Monitoring and evaluation of a new convention could possibly be undertaken by one or several of the existing agencies, and in any case the disability perspective should be strengthened within existing human rights mechanisms. The EU also suggested the need for concrete efforts to mainstream the disability perspective into the monitoring mechanism of all core United Nations human rights treaties, using a new instrument that was tailored to relevant obligations within existing human rights treaties and that acknowledged the specific circumstances faced by persons with disabilities. Japan noted that there should be careful consideration given to options for a monitoring mechanism of the new convention in view of the ongoing review of the official reporting obligations of State parties under existing international human rights instruments.

40. The Czech Republic, Jordan and Mexico expressed the view that because no requirement existed for States to report on the situation of persons with disabilities, an authoritative international legal instrument for persons with disabilities was needed based on examples of conventions pertaining to other social groups, such as women and children. Jordan stated that the monitoring and evaluation mechanism of a future convention should become the authoritative reference point for the interpretation and application of existing general human rights instruments with regard to disability.

41. Australia referred to an initiative to improve the effectiveness of the United Nations human rights treaty monitoring bodies, and expressed concern about the lack of adequate mechanisms under the existing international human rights treaties to filter out complaints that were clearly inadmissible, the long delays caused by multiple submissions and the inadequate reasons given for the views expressed by the existing treaty bodies.

Other elements/proposals

42. Colombia and El Salvador emphasized the implementation of measures to increase effectiveness of existing regulatory frameworks and to strengthen service providers. A convention should focus on standardizing existing norms and on their effective implementation. Colombia also stated that the elaboration of a new instrument could be linked to the establishment of an effective and reliable national and international system for collecting information concerning persons with disabilities and their families.

43. The Czech Republic and Jordan expected a new convention to provide a framework for incorporating a coherent and authoritative set of norms to avoid divergence in the interpretation of the same rights in different contexts. Jordan also noted that the legislation of States parties could be used to identify areas that need further development. Mexico, through the elaboration of a convention, sought to promote international cooperation and exchange of information, as well as to promote best practices and technical cooperation.

C. Views and comments of intergovernmental organizations

African Union

44. The African Union was convinced of the need for a legally binding instrument specifically focused on the rights of persons with disabilities and recognized that such a convention would add value to the Universal Declaration on Human Rights. It pointed to the special need to consider the plight of persons with disabilities in Africa. Of particular concern was the situation of women, who faced extra hardships and low levels of education and represented some of the most marginalized citizens. Furthermore, the African Union highlighted the need to consider the aspect of sexuality, especially for women with disabilities, who might be forbidden from getting married or having children simply because they were disabled.

45. The African Union affirmed that African people must strive to remove social barriers and uphold the principle of affirmative action for persons with disabilities. Based on the Proclamation and Declaration of the African Decade (1999-2009) as well as the Plan of Action for the Decade approved in July 2002, the Union stressed the pivotal role of regional bodies in their cooperation with Member States and specialized agencies.

League of Arab States

46. In addition to its report on the principles and activities related to the Conference of Arab States on Disability, held at Beirut in October 2002, the contribution of the League of Arab States summarized the ongoing activities in the Arab region, with specific reference to the preparation of an Arab Decade of Disabled Persons, 2004-2013. Most notably, the League emphasized the need for Arab States to participate in the elaboration of a new convention together with regional and international institutions and persons with disabilities, as reflected in the Manama Declaration adopted by the Arab States in Bahrain in March 2003.

Pacific Islands Forum secretariat

47. The Pacific Islands Forum secretariat was convinced of the need to formulate a convention in order to address the lack of a legally binding instrument covering the specific needs of persons with disabilities. The Forum called for a deep change in societal attitudes and perceptions, and believed that a convention should be both general and focused, and both broad-based and comprehensive and inclusive. It should suggest inclusive measures, specifically with respect to education, employment, transportation and access to information and communication technologies. The involvement of persons with disabilities and their organizations in the monitoring and evaluation mechanisms, especially at the local and national levels, would be key to the successful implementation of a convention. Partnership between Governments and non-governmental organizations would benefit the process, and the Forum recognized the need for consultation at the grass-roots level.

48. The proposal for a convention was relevant to Pacific island countries in view of the Asia-Pacific Decade on Disability, the ESCAP special session on disability, and discussion of the issue at the 2002 Pacific Islands Forum leaders meeting. There was growing awareness, advocacy and activity by regional organizations, and subregional preparatory activities should be promoted, especially for small island countries.

D. Contributions by the United Nations system

Summary of contributions

49. All contributions received from United Nations treaty bodies, organizations and specialized agencies supported the drafting of a convention and the related preparatory work at the national, regional and international levels. The complete texts of all contributions are available at http://www.un.org/esa/socdev/enable/rights/adhoccom.htm.

50. Responses pointed to the need to consider the elaboration of a convention within the context of follow-up to United Nations summits and conferences. The convention should adopt a rights-based approach to reflect the paradigm shift in development thinking from a charity model to a human rights model. As a core objective, the convention should clarify the precise obligations of State parties in realizing the fundamental rights of persons with disabilities, with specific measures to promote equal treatment and strengthen social inclusiveness. A convention should make visible and accessible the rights of persons with disabilities, and should provide access to justice and legal aid. Definitions contained in a convention should be based upon those recognized by the United Nations, in particular the International Classification of Functioning, Disability and Health.

51. The most important principles on which to build a convention included non-discrimination and the right to equal opportunities, without distinction of disability, gender, socio-economic status or any other factor. Special attention should be paid to overcoming multiple forms of discrimination. A basic element should be empowering persons with disabilities to overcome vulnerability, and a convention should recognize the specific link between poverty and disability. A convention should articulate the recognition that meeting the basic needs of persons with disabilities was essential to implementing their economic and social rights.

52. A new convention should be regarded as an addition to, rather than a replacement of, the protection afforded by existing instruments in the disability field. A multi-track approach would strengthen the implementation of existing international instruments, especially the core United Nations human rights treaties. Consideration should also be given to other legal instruments, jurisprudence and lessons learned by institutions and organizations involved in the disability field. The provisions of a convention should be regarded as minimum requirements, which States parties might exceed in national laws.

53. The adoption of a new convention would enhance significantly the implementation of the World Programme of Action and the Standard Rules by complementing areas not sufficiently covered by the two existing instruments. Information provided to any treaty-monitoring body established under a convention could be routinely shared and provided, as appropriate, to other bodies.

54. Collaboration with existing mechanisms for monitoring and evaluation was emphasized. A monitoring and evaluation system should involve social partners, organizations of persons with disabilities and the United Nations system according to respective areas of competence. An open and transparent negotiation process was essential to the success of the elaboration of a convention, and all interested parties should be involved, particularly persons with disabilities.

Contributions from specific offices, programmes and specialized agencies

55. The Economic Commission for Latin America and the Caribbean stressed the fact that many persons with disabilities also suffered disadvantages as women or as members of other social groups, including children, youth, indigenous peoples, minorities, migrants, civilians in armed conflicts or humanitarian emergencies, refugees or displaced persons. The extent to which non-discrimination and inclusion policies for those groups considered the special case of persons with disabilities should be a key issue for a convention. ECLAC also suggested the need to focus on the link between disability and issues of conflict, in particular conflict-related causes of disability, such as landmines and small weapons. Another priority was the reintegration of victims in their societies.

56. The Economic and Social Commission for Asia and the Pacific suggested that a convention be built upon rights-based development principles, promoting the social and legal visibility of people with disabilities, protecting their rights and strengthening the value of complementary existing instruments. ESCAP pointed to the principle of non-discrimination and equal opportunity, stating that they must be applied to persons with disabilities without distinction of kind or degree of disability, gender, socio-economic or national status. Emphasis should be placed on further study of the link between poverty and disability. Consideration should be given not only to medical but also to environmental and social factors, which might greatly influence the experience of disability. The definition of disability must recognize varying forms (physical, sensory, intellectual, psychiatric and multiple disabilities) and whether it was permanent, temporary or perceived. ESCAP suggested that Governments periodically submit self-evaluation reports, with a specific mandate for participation by civil society in reporting. A convention should establish an expert committee composed of persons with disabilities to monitor and evaluate its implementation.

57. The Office of the United Nations High Commissioner for Human Rights emphasized the importance of building on the existing norms and standards contained in the Universal Declaration of Human Rights, the six core treaties and other instruments in the process of elaborating a new convention. Jurisprudence and the experience of human rights treaty bodies, non-governmental organizations and specialized institutions should also be given attention. A new convention should be regarded as an addition to the existing system rather than an instrument replacing the protection afforded by existing human rights treaties in the disability field.

58. The Office of the High Commissioner encouraged the Committee to consider the findings of its study entitled "Human rights and disability: the current use and future potential of United Nations human rights instruments in the context of disability",[3] as well as proposals suggested by the Secretary-General on the streamlining of the reporting procedures under different treaties in his report entitled "Strengthening the United Nations: an agenda for further change" (A/57/387). The Office of the High Commissioner will prepare a report on the issue to be presented in September 2003 and will make it available to the Committee.

59. Pending the next sessions in May and June of 2003 of the Committee against Torture, the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child, preliminary responses to the request for views on a convention were provided. The responses referred to the relevance of the study published by the the Office of the High Commissioner in 2002 (see para. 58 above).

They also suggested that proposals be considered on the streamlining of reporting procedures under different treaties.

60. The United Nations High Commissioner for Refugees underlined the special needs of refugees with disabilities. The United Nations Human Settlements Programme pointed to increased accessibility of human settlements, improved environmental conditions and provision of adequate housing, addressing the specific needs of persons with disabilities as key elements for the elaboration of a convention.

61. The United Nations Children's Fund suggested building upon past experiences with the Convention on the Rights of the Child and the Convention on the Elimination of Discrimination against Women in elaborating a convention on disability. Once fundamental principles were elaborated, the civil, political, economic, social and cultural rights of persons with disabilities should be broadly considered before following the procedural provisions for the convention. UNICEF also pointed out the importance of giving early consideration to the issue of declarations and reservations and articles that might be considered fundamental or incompatible with ratification. UNICEF suggested the reporting system of the Convention on the Rights of the Child as a useful model, including the value of individual petition mechanisms. UNICEF procedures of regular general comments, which elaborated articles of instruments of human rights law, as well as the practice of days of discussion, were also useful models.

62. Another example was provided by the mechanism for the contribution by non-governmental organizations to the work of the Committee on the Rights of the Child, including the provision and consideration of alternative reports alongside reports of States parties. In many cases, the involvement of civil society in treaty monitoring processes led to the creation of a constituency for follow-up of recommendations, adding greatly to the impact of work done by treaty-monitoring bodies.

63. The International Labour Organization expressed concern that the provisions of a new convention should not hinder the realization of the right to decent work of persons with disabilities contained in existing law at national or international levels, in particular ILO Convention No. 159 on vocational rehabilitation and employment of persons with disabilities. Specific elements in a convention should address education and vocational training, employment and working conditions in relation to the special needs of persons with disabilities. A convention should provide vocational rehabilitation services to enable persons with disabilities to enter employment or gainful activities, with vocational training and employment services to be adapted as required; equal treatment and equal opportunity in matters of employment (non-discrimination, equal pay for work); incentives and advisory services for the recruitment of persons with disabilities; development of alternative forms of employment for people who could not find work through the labour market, while ensuring that the work they do was useful and remunerative; and income replacement and social protection benefits for persons with disabilities, while ensuring that those were not a disincentive with regard to vocational rehabilitation, training or employment.

64. The Food and Agriculture Organization of the United Nations pointed to the necessity of including the right to food as a fundamental human right in the framework of a convention. Because many persons with disabilities were farmers or

people living in rural areas, their ability to feed themselves and their families was of key importance in rural settlements. FAO also stressed that malnourishment and undernourishment were important factors in the analysis of causes of disability, and of linkages between poverty and disability.

65. The World Health Organization focused on physical, psychiatric, intellectual and sensory impairment when defining disability. A convention should encompass visible and invisible disability as well as permanent and temporary impairments, and should include consideration of gender and all age groups. The Pan American Health Organization underlined the importance of the right to medical care in the least restrictive environment, together with the rights to medical and experimental treatments according to existing international human rights instruments.

66. PAHO further suggested that a convention should address issues of specific rights, fundamental freedoms and living conditions in psychiatric and disability institutions; admissions procedures; mental and physical disability review processes; treatment, standards of care and rehabilitation programmes; consent to treatment; procedural safeguards; suspension of guarantees; monitoring mechanisms and remedies; guidelines to implement domestic mechanisms, measures and remedies, international mechanisms for protection; and transitory provisions. The obligations of States parties with respect to the specific needs and characteristics of persons with disabilities should be clearly included in a convention. Special standards of protection in the monitoring mechanisms and adequate forms of inclusion and integration should be suggested, along with issues of participation, accessibility and social inclusion.

67. The International Civil Aviation Organization reported relevant articles and procedures on persons with disabilities contained in the annex on facilitation to the Chicago Convention on International Civil Aviation. Efforts have been put in place worldwide to facilitate travelling by air for persons with disabilities.[4]

E. Suggestions for the structure and contents of a convention based on existing models

68. The experience of the United Nations system with existing conventions suggests three models that the Committee may wish to consider: a holistic rights model (Convention on the Rights of the Child); a non-discrimination model (Convention on the Elimination of All Forms of Discrimination against Women and Convention on the Elimination of All Forms of Racial Discrimination); and a hybrid model, combining social development and human rights elements.

Holistic model

69. The Convention on the Rights of the Child is a holistic convention, including all categories of human rights — civil, political, economic, social, and cultural — that are applicable to children. Although those rights are based on existing human rights applicable to all human beings, those stipulated in the Convention are more specifically tailored to the needs of children, and it includes the rights that are only applicable to children, such as those related to the family environment.

Non-discrimination model

70. The Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Elimination of All Forms of Racial Discrimination do not provide specific rights accorded only to women or racial minorities. Those conventions reaffirm the universal human rights of women and racial minorities, and focus on how discrimination impedes their equal enjoyment of universal rights and how to ensure that women and racial minorities can enjoy the human rights guaranteed in other instruments. The conventions are instrumental in defining the concept of discrimination by identifying specific areas where discrimination is likely to occur and specifying appropriate measures to eliminate it.

Hybrid model

71. No binding instrument currently exists that specifically integrates social development and human rights norms. To do that would require the creation of a new model that combines the two approaches. The existing norms on social development include the World Programme of Action, the Standard Rules, the outcomes of United Nations summits and development conferences held in the 1990s, in particular the World Summit for Social Development, and their follow-up processes, and the United Nations Declaration on Social Progress and Development. Those normative standards would be reinforced by human rights norms, especially those relating to non-discrimination in all its facets. That would ensure that persons with disabilities had equal opportunities to benefit from the progress achieved in the social and economic development of their countries.

72. The hybrid model would include elements of both the holistic and non-discrimination models. The principles of non-discrimination and the application of all existing human rights to persons with disabilities would form the basis of a convention, which would also include recommendations to develop and guarantee special rights in areas specifically relevant to the situations and needs of persons with disabilities, such as employment, education, treatment and rehabilitation.

73. Further examination of the three models will be required to devise more options regarding the substantive and procedural aspects of a new convention and its monitoring procedure.

Notes

[1] The normative language excels in its capacity to empower individuals and groups and is also empowering in relation to economic and social rights as well as civil and political rights.

[2] Mexico initially raised the issue of a convention at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Durban, South Africa, 31 August-7 September 2001), which resulted in paragraph 180 of the Programme of Action adopted by the Conference, which invited the General Assembly to consider elaborating an integral and comprehensive international convention to protect and promote the dignity of disabled people, including, especially, provisions that address the discriminatory practices and treatment affecting them.

[3] See http://www.unhchr.ch/html/menu2/hrdisability.htm.

[4] See http://www.icao.int/cgi/goto_atb.pl?icao/en/atb/fal/disabilities.htm;fal.